

## The Gazette



## of India

सत्यमेव जयते

PUBLISHED BY AUTHORITY

No. 11 ]

NEW DELHI, SATURDAY, MARCH 18, 1950

## NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week ending the 14th March 1950 :—

S. No.	No. and Date	Issued by	Subject
1	No. 1(0)-ITC/50, dated the 9th March 1950.	Ministry of Commerce . . . . .	Extension of the last date for receipt of applications for the import of tea chests.
2	No. 35-IV/50-L., dated the 8th March 1950.	Ministry of Law . . . . .	Contracts with institutions in the U. K. for training personnel of the Indian Navy to be executed by the Naval Adviser to the High Commissioner for India in the U. K.
3	No. 30-II/50-A, dated the 9th March 1950.	Parliament of India . . . . .	Amendments in the Rules of Procedure and Conduct of Business in Parliament.
4	No. II(55-E)/49-N-6, dated the 8th March 1950.	Ministry of Rehabilitation . . . . .	Further amendment in the Permit System Rules, 1949.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

## CONTENTS

	PAGES		PAGES
PART I—SECTION 1.—Notifications relating to Rules, Regulations and Orders and Resolutions issued by Ministries of the Government of India (other than the Ministry of Defence) and Notifications issued by the Federal Court . . . . .	341—361	PART V.—Bills introduced in Parliament of India, Reports of Select Committees presented to Parliament and Bills published under Rule 55 of the Rules of Procedure and Conduct of Business in Parliament—	
PART I—SECTION 2.—Notifications regarding Appointments, Promotions, etc., of Government officers issued by Ministries of the Government of India (other than the Ministry of Defence) and by the Federal Court . . . . .	363—370	Bill No. 13 of 1950.—A Bill to provide for the eviction of certain persons from Government premises and for certain matters connected therewith . . . . .	129—131
PART I—SECTION 3.—Notifications relating to Rules, Regulations and Orders and Resolutions issued by the Ministry of Defence . . . . .	371—380	Bill No. 14 of 1950.—A Bill to provide for the registration and recognition of trade unions and in certain respects to define the law relating to registered and recognised trade unions and to certain unfair practices by employers and recognised trade unions . . . . .	132—150
PART I—SECTION 4.—Notifications regarding Appointments, Promotions, Leave, etc., of officers issued by the Ministry of Defence . . . . .	381—384	Bill No. 15 of 1950.—A Bill to provide for the control of the sale, supply and distribution of drugs . . . . .	150—154
PART II—SECTION 1.—Notifications and Notices issued by the Patent Office relating to Patents and Designs ( <i>Published at Simla</i> ) . . . . .	221—224	Bill No. 16 of 1950.—A Bill to declare the Judicial Commissioners' Courts in Part C States to be High Courts for certain purposes of the Constitution . . . . .	154—155
PART II—SECTION 2.—Notifications issued by the High Court, the Auditor General, the Union Public Service Commission, the Indian Government Railways, and by attached and subordinate offices of the Government of India ( <i>Published at Simla</i> ) . . . . .	225—230	Bill No. 17 of 1950.—A Bill to give effect to the financial proposals of the Central Government for the year beginning on the 1st day of April 1950 . . . . .	157—174
PART II—SECTION 3.—Miscellaneous Notifications, i.e., those not included in Sections 1 and 2 of Part II ( <i>Published at Simla</i> ) . . . . .	231—232	Bill No. 18 of 1950.—A Bill to provide for the appointment of an interim administrator for the Durgah Khawaja Saheb, Ajmer, pending inquiry into its affairs and for certain ancillary matters . . . . .	174—176
PART IIA—Notifications relating to Minor Administrations ( <i>Published at Simla</i> ) . . . . .	131—142	Bill No. 19 of 1950.—A Bill to amend the Prevention of Corruption Act, 1947 . . . . .	176
PART III—Advertisements and Notices by Private Individuals and Corporations ( <i>Published at Simla</i> ) . . . . .	71—72	Bill No. 20 of 1950.—A Bill to make provision in regard to certain offices of profit under article 102 of the Constitution . . . . .	177
PART IV.—Acts of Parliament assented to by the President—		SUPPLEMENT No. 10—	
Act No. X of 1950.—The Immigrants (Expulsion from Assam) Act, 1950 . . . . .	29—30	Reported attacks and deaths from cholera, small-pox, plague and typhus in districts in India during the week ending the 18th February 1950 . . . . .	129—133
Act No. XI of 1950.—The Indian Railways (Amendment) Act, 1950 . . . . .	30—31	Births and deaths from principal diseases in towns with a population of over 30,000 in India during the week ending the 11th February 1950 . . . . .	134—140
Act No. XII of 1950.—The Emblems and Names (Prevention of Improper Use) Act, 1950 . . . . .	31—32	Cotton Press Returns for the weeks ending the 23rd and 30th December 1949 and 6th and 13th January 1950 . . . . .	141—152
Act No. XIII of 1950.—The Delhi Road Transport Authority Act, 1950 . . . . .	33—46		
Act No. XIV of 1950.—The Criminal Law Amendment Act, 1950 . . . . .	47		

**PART I—Section 1****Government of India Notifications relating to Rules, Regulations and Orders and Resolutions (other than the Ministry of Defence)****MINISTRY OF LAW***New Delhi, the 14th March 1950*

**No. F.60-XI/50-L.**—In exercise of the power conferred by section 57 of the Administrator General's Act, 1913 (III of 1913), the Central Government is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the late Home Department, No. F.620/32-Judicial, dated the 25th July 1932, namely:—

To the entries in the Schedule to the said notification, the following entry shall be added, namely:—

"14. Czechoslovakia."

N. C. RAY, Joint Secy.

**MINISTRY OF HOME AFFAIRS***New Delhi, the 8th March 1950*

**No. 9/133/49-Police (I).**—In the Ministry of Home Affairs notification No. 9/133/49-Police(I), dated the 13th February 1950, appearing at page 234 of the *Gazette of India*, Part I, Section 1, dated the 18th February 1950, delete the word "on" occurring in column 2 of the table after the word "Barchhas".

**No. 9/1/50-Police-I.**—In exercise of the powers conferred by clause (1) of article 258 of the Constitution of India the President is pleased, with the consent of the Governments of Part A States, to direct that the following further amendment shall be made in the notification of the Government of India in the late Home Department, No. 21/50/37-Police, dated the 20th June 1938, as subsequently amended, namely:—

In the said notification for the words "twelve years" the words "seventeen years" shall be substituted.

U. K. GHOSHAI, Dy. Secy.

*New Delhi, the 14th March 1950*

**No. 4/4/50-F.I.**—The following draft of certain further amendments which it is proposed to make in the Registration of Foreigners Rules, 1939, in pursuance of section 3 of the Registration of Foreigners Act, 1939 (XVI of 1939), is published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration by the Central Government on or after the 31st March 1950.

Any objection or suggestion which may be received from any person with respect to the draft before the said date will be considered by the Central Government.

*Draft Amendments*

In the said rules,—

(a) for the words "British India" wherever they occur, the word "India" shall be substituted;

(b) for sub-rule (3) of rule 1, the following sub-rule shall be substituted, namely:—

"(3) They extend to the whole of India except the State of Hyderabad."

(c) after clause (c) of rule 2, the following clause shall be inserted, namely:—

"(cc) 'India' does not include the State of Hyderabad;" and

(d) in sub-rule (3) of rule 15, for the words "to an Indian State or to a Tribal, Leased, or Administered Area", the words "to the State of Hyderabad" shall be substituted.

FATEH SINGHI, Dy. Secy.

**MINISTRY OF EXTERNAL AFFAIRS****RESOLUTION***New Delhi, the 7th March 1950*

**No. F.6-1/50 AWT(H).**—The Government of India have decided to extend by one year from the 1st March 1950 the term of the Special Haj Committee at Calcutta constituted in the Government of India in the Ministry of External Affairs Resolution No. F.21-58/48-Hajj, dated the 15th July 1949.

ORDERED that a copy of this resolution be communicated to the Ministry of Home Affairs, Finance, Education, Health, Transport and Communications, Prime Minister's Secretariat, Cabinet Secretariat, Port Haj Committee, Bombay and Shipping Companies concerned for information and also that the resolution be published in the *Gazette of India*.

C. S. JHA, Joint Secy.

**MINISTRY OF FINANCE***New Delhi, the 6th March 1950*

**No. F.2(1)-Est.(Spl.)/48.**—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President is pleased to direct that the following further amendments shall be made in the Revised Leave Rules, 1933, namely:—

In the said Rules—

I. For the words "Governor-General in Council" wherever they occur, the word "President" shall be substituted.

II. For rule 3, the following rule shall be substituted, namely:—

"3. In these rules:—

(i) "leave includes earned leave, half pay leave, commuted leave, leave not due and extraordinary leave;

(ii) "earned leave" means leave earned in respect of periods spent on duty;

(iii) "half pay leave" means leave earned in respect of completed years of service;

(iv) "earned leave due" means the amount of earned leave to the credit of an officer on the 31st January 1949 under the rules in force on that date plus the amount of earned leave, calculated as prescribed in rule 9, rule 10, or rule 12, as the case may be, diminished by the amount of earned leave taken after the 31st January 1949;

(v) "half pay leave due" means the amount of half pay leave, calculated as prescribed in rule 11 for the entire service, diminished by the amount of leave on private affairs and leave on medical certificate taken before the 1st February 1949 and half pay leave taken on or after that date;

(vi) "commuted leave" means leave taken under sub-rule (c) of rule 11;

(vii) "officer in quasi-permanent employ" means—

(a) an officer who, having been declared by the Union Public Service Commission to be eligible for appointment to the ministerial services of the Government of India, has been appointed to a temporary or officiating vacancy on the understanding, given to him in writing before he took up the appointment, that the vacancy is expected to become permanent, but is not confirmed after completion of 3 years' continuous service;

(b) an officer who may be declared as quasi-permanent under the Central Civil Services (Temporary Service) Rules, 1949;

(viii) "officer in permanent employ" means an officer who holds substantively a permanent post or who holds a lien on a permanent post or who would hold a lien on a permanent post had the lien not been suspended;

(ix) "first ten/twenty years of service", "next ten years of service", "completed year of service" and "one year's continuous service" means continuous

service of the specified duration under the Government of India and includes periods spent on duty as well as on leave including extraordinary leave."

III. For rules 9 to 17, the following rules shall be substituted, namely:—

"9. The earned leave admissible to an officer in permanent employ is—

- (a) to an officer in Class I, Class II or Class III Service—one-eleventh of the period spent on duty,
- (b) to an officer in Class IV Service—
  - (1) One-twenty-second of the period spent on duty during the first ten years of service;
  - (2) One-sixteenth of the period spent on duty during the next ten years of service; and
  - (3) One-eleventh of the period spent on duty thereafter.

Provided that an officer will cease to earn such leave when the earned leave due amounts to—

- (i) 120 days in the case of an officer in Class I, Class II or Class III Service;
- (ii) in the case of an officer in Class IV Service—
  - (1) 60 days during the first ten years of service;
  - (2) 90 days during the next ten years of service; and
  - (3) 120 days thereafter.

Provided further that when the earned leave due amounts to 120 days, an officer in Class I or Class II Service may be permitted to earn such leave for a further period not exceeding 60 days subject to the condition that the earned leave for such further period shall be availed of when, having exhausted his normal credit of earned leave, he spends such leave elsewhere than in India (including foreign possessions in India), Pakistan, Ceylon, Nepal, Burma or Aden.

*Exception.*—The earned leave admissible to an officer of non-Asiatic domicile recruited in India who is in continuous service from a date prior to the 1st February 1949 and is entitled to leave passages, is one-seventh of the period spent on duty and he ceases to earn such leave when the earned leave due amounts to 150 days.

10. (a) Earned leave is not admissible to an officer in permanent employ serving in a vacation department in respect of duty performed in any year in which he avails himself of the full vacation.

(b) The earned leave admissible to such an officer in respect of any year in which he is prevented from availing himself of the full vacation is such proportion of the following periods as the number of days of vacation not taken bears to the full vacation:—

- (i) to an officer in Class I, Class II or Class III Service—30 days;
- (ii) to an officer in Class IV Service—
  - (1) 15 days during the first ten years of service;
  - (2) 20 days during the next ten years of service;
  - (3) 30 days thereafter, and
- (iii) to an officer mentioned in the exception to rule 9—45 days

If in any year the officer does not avail himself of the vacation, earned leave will be admissible to him in respect of that year in accordance with the provisions of rule 9.

(c) Vacation may be taken in combination with or in continuation of any kind of leave under these rules, provided that the total duration of vacation and earned leave taken in conjunction, whether the earned leave is taken in combination with or in continuation of other leave or not, shall not exceed the limits laid down in the first proviso to rule 9 or under the exception thereto, as the case may be:

Provided further that the total duration of vacation, earned leave and commuted leave taken in conjunction shall not exceed 180 days.

11. (a) The half pay leave admissible to an officer in permanent employ in respect of each completed year of service is—

- (i) in the case of an officer in Class I, Class II or Class III Service—20 days;
- (ii) in the case of an officer in Class IV Service—
  - (1) 15 days during the first twenty years of service; and
  - (2) 20 days thereafter.

(b) The half pay leave due may be granted to an officer on medical certificate or on private affairs.

(c) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate only to an officer in permanent employ subject to the following conditions:—

- (i) commuted leave during the entire service shall be limited to a maximum of 180 days,
- (ii) when commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due,
- (iii) the total duration of earned leave and commuted leave taken in conjunction shall not exceed 180 days.

Provided that no commuted leave may be granted under this rule, unless the authority competent to sanction leave has reason to believe that the officer will return to duty on its expiry.

(d) Save in the case of leave preparatory to retirement, leave not due may be granted to an officer in permanent employ only on medical certificate for a period not exceeding 180 days during his entire service. Such leave will be debited against the half pay leave the officer may earn subsequently.

*NOTE.*—Leave not due should be granted only if the authority empowered to sanction leave is satisfied that there is a reasonable prospect of the officer returning to duty on the expiry of the leave and it should be limited to the half pay leave he is likely to earn thereafter.

12. The provisions of rules, 9, 10 and 11 apply also to an officer not in permanent employ except that in respect of the first year of service the earned leave admissible is—

- (i) to an officer in Class I, Class II or Class III Service—one-twenty-second of the period spent on duty;
- (ii) to an officer in Class IV Service—one-thirtieth of the period spent on duty:

Provided that no earned leave shall be admissible to such an officer in a vacation department in respect of the first year of his service:

Provided further that in the case of an officer not in quasi-permanent employ,

- (a) no half pay leave may be granted unless the authority competent to sanction leave has reason to believe that the officer will return to duty on its expiry; and
- (b) no leave not due shall be granted.

13. An officer not in permanent employ appointed without interruption of duty substantively to a permanent post will be credited with the earned leave which would have been admissible if his previous duty had been duty as an officer in permanent employ diminished by any earned leave already taken. Leave is not an interruption of duty for the purpose of this rule.

14. (a) Extraordinary leave may be granted to any officer in special circumstances—

- (i) when no other leave is by rule admissible, or
- (ii) when other leave is admissible, but the officer concerned applies in writing for the grant of extraordinary leave.

(b) Except in the case of an officer in permanent employ and an officer in quasi-permanent employ, the duration of extraordinary leave shall not exceed three or twelve months on any one occasion the longer period being admissible, subject to such conditions as the President may by general or special order prescribe, only when the officer concerned is undergoing treatment for tuberculosis in a recognised

sanatorium or treatment for tuberculosis of bones or joints by a qualified T.B. Specialist or a Civil Surgeon.

NOTE 1.—The concession of extraordinary leave upto twelve months will be admissible also to a temporary Government servant who for want of accommodation in any recognised sanatorium at or near the place of his duty receives treatment at his residence under a Tuberculosis Specialist recognised as such by the State Administrative Medical Officer concerned and produces a certificate signed by that Specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

NOTE 2.—The concession of extraordinary leave upto twelve months under this sub-rule will be admissible only to those temporary Government servants who have been in continuous Government service for a period exceeding one year.

(c) The authority empowered to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

15. (1) An officer on earned leave is entitled to leave salary equal to greater of the amounts specified below:—

- (i) the substantive pay on the day before the leave commences, or
- (ii) (a) in respect of the first 60 days of the earned leave, the average monthly pay earned during the 12 complete months preceding the month in which the leave commences, and
- (b) thereafter the average monthly pay earned during the 36 complete months preceding the month in which the leave commences.

(2) An officer on half pay leave or leave not due is entitled to leave salary equal to half the substantive pay on the day before the leave commences or half the amount specified in clause (ii)(b) of sub-rule (1), whichever amount is greater, subject in either case to a maximum of Rs. 750.

(3) An officer on commuted leave is entitled to leave salary equal to twice the amount admissible under sub-rule (2).

(4) An officer on extraordinary leave is not entitled to any leave salary.

*Explanation.*—For the purposes of this rule “substantive pay” means the substantive pay of the permanent post which the officer holds substantively or on which he holds a lien or would hold a lien had the lien not been suspended:

Provided that in the case of an officer in quasi-permanent employ as defined in rule 3(vii)(a), the pay of the post in which he was initially appointed in a temporary or officiating capacity and in the case of an officer in quasi-permanent employ as defined in rule 3(vii)(b), the pay admissible in the post in which he has been declared quasi-permanent, shall be deemed to be the substantive pay.

2 These amendments shall be deemed to have come into force on the 1st February 1949.

B. L. BATRA, Dy. Secy

(Department of Economic Affairs)

New Delhi, the 15th March 1950

No. D. 1572-F. 111/50.—Statement of the Affairs of the Reserve Bank of India, as on the 10th March 1950.

BANKING DEPARTMENT

LIABILITIES		Rs.	ASSETS		Rs.
Capital paid up . . . . .		5,00,00,000	Notes . . . . .		13,82,50,000
Reserve Fund . . . . .		5,00,00,000	Rupee Coin . . . . .		8,44,000
Deposits :—			Subsidiary Coin . . . . .		1,85,000
(a) Government—			Bills Purchased and Discounted :—		
(1) Central Government . . . . .		153,81,01,000	(a) Internal . . . . .		92,00,000
(2) Other Governments . . . . .		20,62,45,000	(b) External . . . . .		2,86,20,000
(b) Banks . . . . .		51,31,78,000	(c) Government Treasury Bills . . . . .		2,86,20,000
(c) Others . . . . .		82,39,80,000	Balances held abroad* . . . . .		200,68,06,000
Bills payable . . . . .		5,44,94,000	Loans and Advances to Governments . . . . .		7,08,00,000
Other Liabilities . . . . .		14,74,05,000	Other Loans and Advances . . . . .		11,08,28,000
			Investments . . . . .		77,04,24,000
			Other Assets . . . . .		4,74,37,000
	Rupees . . . . .	318,34,03,000		Rupees . . . . .	318,34,03,000

\* Includes Cash and Short term Securities.

An account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 10th day of March 1950.

ISSUE DEPARTMENT

LIABILITIES		Rs.	Rs.	ASSETS		Rs.	Rs.
Notes held in the Banking Department . . . . .		13,82,50,000		A.—Gold Coin and Bullion :—			
Notes in circulation . . . . .		1167,14,15,000		(a) Held in India . . . . .		40,01,71,000	
Total Notes issued . . . . .		1180,96,65,000		(b) Held outside India . . . . .		650,34,38,000	
				Foreign Securities . . . . .			
				Total of A . . . . .		690,36,09,000	
				B.—Rupee Coin . . . . .		50,33,38,000	
				Government of India			
				Rupee Securities . . . . .		440,27,18,000	
				Internal Bills of Exchange and other Commercial Paper . . . . .			
Total Liabilities . . . . .		1180,96,65,000		Total Assets . . . . .		1180,96,65,000	

Ratio of Total of A to Liabilities : 58.457 per cent.

Dated the 15th day of March 1950.

M. G. MENKRI, Deputy Governor.

K. G. AMBEGAOKAR, Secy.

**MINISTRY OF FINANCE (REVENUE DIVISION)****CUSTOMS***New Delhi, the 11th March 1950*

**No. 17.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to cancel the notification of the Government of India in the late Finance Department (Central Revenues), No. 27-Customs, dated the 2nd May 1942, exempting goods imported by the Government of the United States of America for the use of the American Forces in India from the payment of customs duty,

D. P. ANAND, Dy. Secy.

*New Delhi, the 7th March 1950*

**No. 32.**—Under sub-section (3) of section 4 of the Taxation on Income (Investigation Commission) Act, 1947, the Central Government is pleased to extend the term of appointment of the Income-tax Investigation Commission up to the 31st day of March 1951.

**INCOME-TAX***New Delhi, the 11th March 1950*

**22(40)-I.T./49.**—In exercise of the powers conferred by section 60A of the Indian Income-tax Act, 1922 (XI of 1922), and section 28A of the Business Profits Tax Act, 1947 (XI of 1947), the Central Government is pleased to make the following amendments in the Merged States (Taxation Concessions) Order, 1949, namely:—

In the said Order—

(1) In paragraph 3—

(i) For clause (i), the following shall be substituted, namely:—

“(i) the ‘Act’ means the Taxation Laws (Extension to Merged States and Amendment) Act, 1949 (LXVII of 1949).”

(ii) After clause (iv), the following shall be inserted, namely:—

(v) the expression “taxable territories” shall have the same meaning as assigned to that expression by clause (14A) of section 2 of the Indian Income-tax Act, 1922”.

(2) For the words “British India” wherever it occurs the words “taxable territories” shall be substituted.

(3) In paragraph 4, for the words “Ordinance had not been promulgated”, the words “Act had not been passed” shall be substituted.

(4) For the word “Ordinance” wherever it occurs in paragraphs 5 to 15, the word “Act” shall be substituted.

(5) In paragraph 6 for the words “commencing after the previous year referred to in paragraph 5 of this order”, the words “ending after the 31st day of March 1948, which does not fall within paragraph 5 of this Order or of any previous year commencing after the previous year referred to in the said paragraph” shall be substituted.

(6) After paragraph 6, the following paragraph shall be inserted, namely:—

“6A. The income, profits and gains of any previous year “referred to in paragraph five or six of this Order, which, accrue or arise without taxable territories to a person who is resident but who would not be resident in taxable territories, if the Act had not been passed, shall be charged to tax in the same manner and to the same extent as specified in the said paragraph five or six, as the case may be.”

(7) In clause (ii) of paragraph 13 for the words “mother or the father’s mother of the person who was a Ruler” the words “widow or the mother of a person who was the Ruler” shall be substituted.

(8) After paragraph 15, the following paragraph shall be added, namely:—

“(16) The provisions of this Order shall, in relation to the merged States of Banaras and Tehri Garhwal, apply as if for the figures and word “31st July” in clause (b) of sub-paragraph (8) of paragraph 5, the figures and words “30th November” were substituted; and for the figures and words “31st day of July” and “1st day of August” wherever they occur in the Order, the figures and words “30th day of November” and “1st day of December” respectively were substituted.”

P. C. PADHI, Addl. Secy.

**INCOME-TAX***New Delhi, the 11th March 1950*

**No. 31.**—In the Ministry of Finance (Revenue Division) Notification No. 57, dated the 21st October 1948, published in Part I, Section 1 of the *Gazette of India*, dated the 23rd October 1948 (page 1438—1440), the following amendment shall be made, namely:—

For “158 Missionary Medical College Hospital, Ve’lore” read “158 Christian Medical College Hospital, Vellore”.

*New Delhi, the 18th March 1950*

**No. 34.**—It is notified for general information that the Central Government are pleased to approve for the period upto the 19th June 1950 the institution mentioned below for the purposes of sub-section (1) of Section 15-B of the Indian Income-tax Act, 1922 (XI of 1922):—

**Bombay**

354. Rishi Dayaram and Seth Hassaram National College, Bandra.

**No. 36.**—It is notified for general information that the Central Government are pleased to approve the institutions mentioned below for the purposes of sub-section (1) of Section 15-B of the Indian Income-tax Act, 1922 (XI of 1922):—

**Uttar Pradesh**

352. MacLaren Leper Hospital, Dehra Dun.

353. Government Agricultural College, Kanpur.

*New Delhi, the 18th March 1950*

**No. 35.**—*Corrigendum.*—In the Ministry of Finance (Revenue Division), Notification No. 57, dated the 21st October 1948 published in Part I, Section 1 of the *Gazette of India*, dated the 23rd October 1948, the following amendment shall be made, namely:—

For

“102, S. D. College, Kanpur”.

Read

“102, Vikramajit Singh Sanatan Dharma College, Kanpur”.

PYARE LAL, Dy. Secy.

**CENTRAL BOARD OF REVENUE****CUSTOMS***New Delhi, the 11th March 1950*

**No. 19.**—In exercise of the powers conferred by section 133 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession of all previous notifications prescribing the rates of transshipment fees to be levied at ports in the State of West Bengal, the Central Board of Revenue is pleased to prescribe a transshipment fee of two annas per bale or package irrespective of size, value, weight or contents, subject to a minimum fee of rupee one and a maximum fee of Rs. 20 in respect of each application, for transshipment of goods at the port of Calcutta.

2. For the purpose of these orders, each ton of wrought iron, such as bars, rods, plates, sheets, hoops, old pig, pipes and tubes and tinned plates of other metals and of oil, timber, salt and other articles in bulk, or any fraction thereof, shall be reckoned as one package.

**No. 20.**—In exercise of the powers conferred by section 138 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession of all previous notifications prescribing the rates of transshipment fees to be levied at ports in the State of Madras, the Central Board of Revenue is pleased to prescribe a transshipment fee of one anna per bale or package irrespective of size, value, weight or contents, subject to a minimum fee of rupee one and a maximum fee of Rs. 20 in respect of each application, for transshipment of goods at the port of Madras, Negapatam or Cochin.

2. For the purpose of these orders, each ton of iron, oil, timber or other articles in bulk, or any fraction thereof, shall be reckoned as one package.

*New Delhi, the 18th March 1950*

**No. 21.**—In pursuance of section 83 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession of all previous notifications on the subject, the Central Board of Revenue is pleased to appoint, in respect of the ports named below, the number of days hereinafter specified as the number of working days after the entry of a vessel importing any goods within which at the ports and in the cases so specified, the owner of any goods imported by such vessel (not being goods shown in the import manifest as not to be landed or goods for the landing of which a period is specified in the bill of lading thereof) shall land the same, namely:—

At the ports in the States of Bombay and Madras—in the case of a sailing ship, three days, and in the case of a steamer, two days.

At the port of Calcutta—in the case of a vessel discharging goods at moorings, ten days and in the case of a vessel discharging goods at the jetties, two days.

D. P. ANAND, Secy.

#### INCOME-TAX

*New Delhi, the 11th March 1950*

**No. 33.**—In exercise of the powers conferred by sub-section (1) of section 59 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following further amendment shall be made in the Indian Income-tax Rules, 1922, the same having been previously published as required by sub section (4) of the said section, namely:—

For Rule 22 of the said Rules the following rule shall be substituted, namely:—

“22. An appeal under section 33 or 33B to the Appellate Tribunal shall be in the following form:—

#### FORM OF AN APPEAL TO THE TRIBUNAL

[See sections 33(3) and 33B(4) of the Act]

IN THE INCOME-TAX APPELLATE TRIBUNAL, BOMBAY

No. of 19 -19 .

Appellant *versus* Respondent.

The State in which the assessment was made.

Assessment year, and in the case of an assessment under section 34 of the Indian Income-tax Act, 1922, the year in which the income should have been assessed.

Income tax Officer passing the original order.

Section of the Indian Income-tax Act, 1922 under which the Income-tax Officer passed the order.

Appellate Assistant Commissioner determining the appeal or the Commissioner passing the order under Section 33B.

Date of communication of the order of the Appellate Assistant Commissioner or Commissioner as the case may be.

Address to which notices may be sent to the Appellant.

Address to which notices may be sent to the respondent.

Relief claimed in appeal.

#### Grounds of Appeal

1.

2.

3.

4.

etc.

Signed

(Appellant)

Signed

(Authorised Representative, if any.)

#### Verifications

I, the appellant, do hereby declare that what is stated above is true to the best of my information and belief.

Verified today the day of 19 .

Signed.

**N.B.**—1. The memorandum of appeal must be in triplicate and should be accompanied by two copies (at least one of which should be a certified copy) of the order appealed against and two copies of the order of the Income-tax Officer.

2. The memorandum of appeal in the case of an appeal by an assessee under section 33 of the Act must be accompanied by a fee of one hundred rupees. It is suggested that the fee should be credited in the Treasury or a branch of the Imperial Bank of India or a branch of the Reserve Bank of India after obtaining a chalan from the Income-tax Officer and the triplicate chalan sent to the Tribunal with the Memorandum of appeal. The Appellate Tribunal will not accept cheques, drafts, hundis or other negotiable instruments. In the case of an appeal by an assessee under section 33B of the Act, the memorandum of appeal must be accompanied by a treasury receipt in support of having paid the fee of Rs. 100.

3. The memorandum of appeal should be written in English and should set forth, concisely and under distinct heads, the grounds of appeal without any argument or narrative and such grounds should be numbered consecutively.

PYARE LAL, Secy.

## MINISTRY OF COMMERCE

## PUBLIC NOTICE

## IMPORT TRADE CONTROL

New Delhi, the 18th March 1950

SUBJECT.—*Import of Agriculture Tractors.*

**No. 1(17)-ITO/50.**—In order that India's requirements for suitable Agricultural machinery and in particular tractors and implements, are met to the extent necessary and that distribution within the country is rationalized, it has been decided that licences will be issued for tractors and matched implements imported from all sources, including the U.S.A., Canada and other Hard Currency Areas, on the following general principles:—

- (a) Tractors having less than 35 H.P. at the Draw Bar will not be permitted to be imported from any Hard Currency Areas including Germany.
- (b) Tractors having less than 15 D.B.H.P. when operating on Power Kerosene or High Speed Diesel oil, will not be allowed to be imported from soft currency countries.
- (c) Tractors operating on petrol irrespective of Horse Power will not be allowed to be imported from any source.
- (d) Tractors proposed to be imported from U.S.A. must have the "Nebraska Test" certificate.
- (e) Tractors proposed to be imported from U.K. must have the official certificate from the "National Institute of Agricultural Engineering".
- (f) Tractors proposed to be imported from other countries should have an official certificate from their respective Government, confirming the manufacturers specifications.
- (g) The Test Certificate as prescribed in (d), (e) and (f) above should accompany each application for licence to import tractors.
- (h) Licences will be issued to only the accredited agents of the manufacturers, who produce sufficient evidence to show that they have satisfied the Government of India in the Ministry of Agriculture that:—
  - (1) They have adequate workshop facilities to service the tractors sold by them; and
  - (2) have factory trained service engineers competent to undertake proper repairs.

If a particular firm fails to provide these facilities to the satisfaction of Government of India, Ministry of Agriculture, within a reasonable time limit, it will be declared ineligible for grant of further import licences.

- (i) Tractors must be imported along with spare parts to the extent of 20 per cent of the value of the tractors.
- (j) Tractors must be imported along with implements to the extent of 25 per cent of the value of the tractors. This condition will be relaxed in the case of the importers who can show that they have proved to the satisfaction of Ministry of Agriculture that they have adequate stocks of implements which will match the tractors they are importing.
- (k) It will be a condition of the grant of any licence that, in case there is an urgent demand from any Provincial Government or Public Institution for tractors, Government of India, Ministry of Agriculture will have the right to allocate such requirements from tractors imported for dealers stocks according to priorities as determined by them. Any priority demand made by the Government on any of the importing firms should be met by the firms from such imports.
- (l) Importer must produce to the Government of India, Ministry of Agriculture, evidence satisfactory to them to show that he has imported the tractors, implements and spare parts within the period of validity of licence, failing which he is liable to be considered by the Chief Controller of Imports to be ineligible for grant of further import licence.

R. J. PRINGLE, Joint Secy.

## MINISTRY OF INDUSTRY AND SUPPLY

Bombay, the 24th February 1950

**No. 9(9)-Tex.1/49.**—In exercise of the powers conferred on me by clause 22 of the Cotton Textiles (Control) Order, 1948, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. T.C.(6)1/44 dated the 19th February 1944, namely:—

In sub-clause (f) of clause 2 of the said notification the following shall be added, namely:—

"In the case of furnishing fabrics and tapestry cloth the markings at the inner fold end as distinguished from those on the face plait may be made on a piece of cloth securely tagged to that end of the cloth.

Bombay, the 7th March 1950

**No. 9(9)-Tex.1/49.**—In exercise of the powers conferred upon me by clause 34 of the Cotton Textiles (Control) Order, 1948, and with the sanction of the Central Government, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 80 Tex.1/48, dated the 20th November 1948, namely:—

In the said notification—

I. For entry No. 3 the following entry shall be substituted, namely:—

"3. Mr. A. D. Balasundara Mudaliar, Director."

II. After entry No. (4) the following entry shall be added, namely:—

"5. Mr. E. H. Nagarwalla, Deputy Director."

**No. 9(9)-Tex.1/49(i).**—In exercise of the powers conferred upon me by clause 34 of the Cotton Textiles (Control) Order, 1948, and with the sanction of the Central Government, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 80-Tex.1/48(iv), dated the 14th December 1948, namely:—

In the said notification—

I. For entry No. 1 the following entry shall be substituted, namely:—

"1. Mr. A. D. Balasundara Mudaliar, Director."

II. After entry No. 3 the following entry shall be added, namely:—

"4. Mr. E. H. Nagarwalla, Deputy Director."

**No. 9(9)-Tex.1/49(ii).**—In exercise of the powers conferred upon me by clause 34 of the Cotton Textiles (Control) Order, 1948, and with the sanction of the Central Government, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 80-Tex.1/48(i), dated the 14th December 1948, namely:—

In the said notification—

I. For entry No. 1 the following entry shall be substituted, namely:—

"1. Mr. A. D. Balasundara Mudaliar, Director."

II. After entry No. 3 the following entry shall be added, namely:—

"4. Mr. E. H. Nagarwalla, Deputy Director."

**No. 9(9)-Tex.1/49(iii).**—In exercise of the powers conferred upon me by clause 34 of the Cotton Textiles (Control) Order, 1948, and with the sanction of the Central Government, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 80-Tex.1/48(i), dated the 26th October 1948, namely:—

In the said notification—

I. For entry No. 5 the following entry shall be substituted, namely:—

"5. Mr. A. D. Balasundara Mudaliar, Director."

II. After entry No. 8 the following entry shall be added, namely:—

"9. Mr. E. H. Nagarwalla, Deputy Director."



**No. 9(9)-Tex.1/49(iv).**—In exercise of the powers conferred upon me by clause 84 of the Cotton Textiles (Control) Order, 1948, and with the sanction of the Central Government, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 80-Tex.1/48, dated the 26th October 1948, namely:—

In the said notification—

I. For entry No. 14 the following entry shall be substituted, namely:—

"14. Mr. A. D. Balusundara Mudaliar, Director."

II. After entry No. 22 the following entry shall be added, namely:—

"23. Mr. E. H. Nagarwalla, Deputy Director."

*Bombay, the 11th March 1950*

**No. 1(83)-Tex.-2/49 (XIII).**—In exercise of the powers conferred on me by paragraph 17 of the Cotton Control Order, 1949, I hereby direct that the following amendment shall be made in the Textile Commissioner's notification No. TCS.I/48(1) dated the 15th November 1949, namely:—

In the said notification for paragraph 1 the following shall be substituted:—

"1. For the purpose of this Order each of the following States shall constitute a zone, namely:—

- (i) Bombay,
- (ii) Punjab,
- (iii) Madhya Pradesh,
- (iv) Uttar Pradesh,
- (v) Madras
- (vi) Ajmer,
- (vii) Bhopal,
- (viii) Kutch,
- (ix) Hyderabad,
- (x) Saurashtra,
- (xi) Rajasthan,
- (xii) The Patiala and East Punjab States Union,
- (xiii) Mysore,
- (xiv) Madhya Bharat,
- (xv) Bihar."

T. P. BARAT, Textile Commr

#### MINISTRY OF AGRICULTURE

*New Delhi, the 10th March 1950*

**No. F.6-2/50-PP&S.**—In exercise of the powers conferred by sub-section (i) of section 3 of the Destructive Insects and Pests Act, 1914 (II of 1914), the Central Government is pleased to direct that the following further amendments shall be made in the Order published with the notification of the Government of India in the late Education, Health and Lands Department, No 1581-Agri., dated the 1st October 1931, namely:—

In the said order—

(1) for the words "Governor-General in Council" wherever they occur, except in the preamble, the words "Central Government" shall be substituted;

(2) for the words "British India" in paragraph 2, the words "Part A States and Part C States" shall be substituted;

(3) except as otherwise herein provided, in paragraphs 2 and 8, after the word "Bombay" wherever it occurs, the words "or Madras" shall be inserted;

(4) in paragraph 2,—

(a) in clause (a), after the words "Secretary, Indian Central Cotton Committee, Bombay", the words "or, as the case may be, to the Dock Manager of the Madras Port Trust" shall be inserted;

(b) in clause (b), after the words "Government of Bombay" the words "or, as the case may be, the Government of Madras" shall be inserted;

(c) in clause (c),—

(i) after the words "Bombay Port Trust" the words "or, as the case may be, the Madras Port Trust" shall be inserted;

(ii) in the first proviso, after the words "Bombay Customs House" the words "or, as the case may be, the Madras Customs House" shall be inserted;

(iii) in the second proviso, after the words "Collector of Customs, Bombay" the words "or, as the case may be, the Docks Manager of the Madras Port Trust" shall be inserted.

P. M. DAS GUPTA, Dy. Secy.

#### MINISTRY OF HEALTH

*New Delhi, the 13th March 1950*

**No. F.1-31/47-D.**—In exercise of the powers conferred by sections 12 and 33 of the Drugs Act, 1940 (XXIII of 1940), the Central Government is pleased to direct that the following further amendment shall be made in the Drugs Rules, 1945, the same having been previously published as required by the said sections, namely:—

In clause (9) of rule 65 of the said Rules, after the word and letter "Schedule H", the words "and preparations containing such substances" shall be inserted.

J. N. SAKSENA, Under Secy.

#### MINISTRY OF EDUCATION

*New Delhi, the 7th March 1950*

**No. F.12-3/50-AI(G).**—In exercise of the powers conferred by section 5 of the Victoria Memorial Act, 1903 (X of 1903), the Central Government is pleased to direct that the following further amendment shall be made in the rules published with the notification of the Government of India in the late Home Department No. 1430, dated the 26th March 1903, namely:—

In the said Rules, for the words 'Governor General' wherever they occur the word 'President' shall be substituted.

P. N. KIRPAL, Secy.

#### MINISTRY OF RAILWAYS

(Railway Board)

*New Delhi, the 9th March 1950*

**No. W.49/1/8.**—It is hereby notified, for general information, that the Government Inspector of Railways, Circle No. 5, Bombay, having inspected the Sangner Town-Phugi Section of the Sangner Town-Sawai Mangarh Extension of the Jaipur State Railway, a length of 21.50 miles on the Metre Gauge, authorised its opening for the public carriage of passengers with effect from 3rd January 1950.

The Railway Board after considering the Report of the Government Inspector of Railways, have confirmed his action.

#### RESOLUTION

*New Delhi, the 8th March 1950*

**No. F(E)50IT-1/1.**—It is announced for general information that the rate of interest on subscriptions and contributions and the balances at credit on the 31st March, 1950 of the subscribers to certain provident funds, as determined by the approved method (*vide* Government of India, Finance Department, Resolution No. F-37-V.R.II, dated the 6th December 1930), is 3 per cent. This rate will be in force during the financial year beginning on the 1st April 1950 and except in the case of subscribers who are entitled under the rules of the Fund to a higher minimum rate of interest will apply to the State Railway Provident Fund.

ORDERED that the Resolution be published in the *Gazette of India*.

S. S. RAMASUBBAN, Secy.



**MINISTRY OF REHABILITATION***New Delhi, the 8th March 1950*

**No. 14(102)Ous/50.**—In exercise of the powers conferred by section 53 of the Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949), the Central Government is pleased to direct that the following amendments shall be made in the Administration of Evacuee Property (Central) Rules, 1949, namely:—

In the said rules—

1. To clause (iii) of rule 9 the following proviso shall be added, namely:—

“Provided that where the share of the evacuee in such property is more than one-half of the whole property, the possession of the whole property may be taken in the manner provided in sub-rule (1) or sub-rule (2), whichever is applicable.”

2. In rule 11, the following clause shall be added, namely:—

“(iv) Where such property is a running business or a share in such business, the Custodian may take possession of the stock-in-trade and other assets of the business and may further take such steps as he considers necessary either for the continuance or for the winding up of such business.”

3. Sub-rule (5) of rule 13, the following words shall be added at the end, namely:—

“or for carrying out any other object of the Ordinance.”

4. In sub-rule (5) of rule 19, for the words “Where a business is the subject matter of an enquiry, the allegation being that the business is evacuee property” the words “Where the property to be attached is a business” shall be substituted.

5. After rule 19 the following rule shall be added, namely:—

19A. *Procedure to be adopted for the preservation of property deemed to have been attached under sub-section (2) of section 7 of the Ordinance.*—(1) Where the property deemed to have been attached under sub-section (2) of section 7 of the Ordinance is tangible movable property other than the stock-in-trade of a running business, or is a share in such property, the Custodian may either take the property into his own custody or entrust it to a ‘superdar’ on the latter furnishing security in form No. 5 provided that where the property is of a perishable nature or subject to speedy or natural decay, the Custodian may sell it forthwith and treat the sale proceeds as the property under attachment.

(2) Where such property is a running business or a share in such business, the Custodian may take such steps for the temporary continuance of the business as he deems fit, having regard to the interests of all the parties concerned.”

6. In rule 24, after sub-rule (2) the following sub-rule shall be added, namely:—

“(3) This rule applies to Part C States only.”

7. In Form No. 5, for the words “Governor-General of India” the words “President of India” shall be substituted.

T. D. SACHDEVA, Under Secy.

**MINISTRY OF WORKS, MINES AND POWER***New Delhi, the 11th March 1950*

**No. P.103.**—In exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), the Central Government is pleased to direct that the following further amendments shall be made in the Explosives Rules, 1940, a draft of the same having been previously published as required by section 18 of the Act, namely:—

A. In the said Rules—

(1) Rule 30 shall be renumbered as sub-rule (1) of that rule, and after sub-rule (1) as so renumbered, the following sub-rule shall be added, namely:—

“(2) Where any explosive is permitted to be imported under sub-rule (1) a fee of rupees twenty five shall be charged.”

(2) In sub-rule (3) of rule 33, sub-rule (2) of rule 92, sub-rule (3) of rule 93 and in sub-rule (2) of rule 96, for the words “one rupee”, wherever they occur the words “two rupees” be substituted.

(3) In the proviso to sub-rule (3) of rule 33, for the figures “16”, the figures “20” shall be substituted.

(4) In sub-rule (3) of rule 90, for the words “two rupees”, the words “three rupees” shall be substituted.

(5) In rule 97 and in sub-rule (2) of rule 99, for the words “one rupee”, the words “five rupees” shall be substituted.

(6) In sub-rule (2) of rule 98, for the figures “100” and “1000” against items (i) and (ii), the figures “25” and “250” shall respectively be substituted.

B. In Schedule IV annexed to the said Rules—

(i) In column 5 against Article No. 1, for the figures “15”, the figures “25” shall be substituted.

(ii) In column 5 against Article No. 2, for the figure “2”, the figure “5” shall be substituted.

(iii) For the entries in column 5 against Article No. 3, the following entries shall be substituted, namely:—

“When the total quantity other than safety fuse does not exceed:—

	Gunpowder or mixed explosives	Fire works only
50 lbs.	Rs. 7/8/-	Rs. 6
100 lbs.	22/8/-	15
exceeding 100 lbs.	45/-	30”

(iv) In column 5 against Article No. 4, for the figure “3”, the figure “5” shall be substituted.

(v) For the entries in column 5 against Article No. 5, the following entries shall be substituted, namely:—

“Where the total quantity other than safety fuse does not exceed:—

50 lbs.	Rs. 4
100 lbs.	Rs. 8
200 lbs.	Rs. 12”

(vi) For the entries in column 5 against Article No. 6, the following entries shall be substituted, namely:—

“When the total quantity does not exceed:—

	Possession	Possession and sale
100 lbs.	Rs. 15	Rs. 20
200 lbs.	20	30
500 lbs.	25	35
1000 lbs.	30	40
10,000 lbs.	40	60
25,000 lbs.	60	80
50,000 lbs.	100	125
over 50,000 lbs.	100 for first 50,000 lbs. & Rs. 10 for every additional 10,000 lbs. subject to a maximum of Rs. 200/-	125/ for first 50,000 lbs. and Rs. 12/8/- for every additional 10,000 lbs. subject to a maximum of Rs. 250/-”

(vii) In column 5 against Article No. 7, for the figures “10”, the figures “20” shall be substituted.

C. In Schedule V annexed to the said Rules—

(i) In form F, for the words and figures “Fee Rs. 15”, the words and figures “Fee Rs. 25” shall be substituted.

(ii) In form G, for the words and figure “Fee Rs. 2”, the words and figure “Fee Rs. 5” shall be substituted.

(iii) In form J, for the words and figure “Fee Rs. 3”, the words and figure “Fee Rs. 5” shall be substituted.

(iv) In form M, for the words and figures “Fee Rs. 10”, the words and figures “Fee Rs. 20” shall be substituted.

M. MALHOTRA, Asstt Secy.

**MINISTRY OF LABOUR***New Delhi, the 8th March 1950*

**No. M-23(1)/50.**—In exercise of the powers conferred by clause (c) of rule 8 of the Mica Mines Labour Welfare Fund (Bihar and Madras) Rules, 1948, the Central Government is pleased to declare that Mr. Chandmal Rajgaria who absented himself from three consecutive meetings of the Mica Mines Labour Welfare Fund Advisory Committee for Bihar without leave of absence from its Chairman shall be deemed to have vacated his office as a member of the said Advisory Committee constituted by the Notification of the Government of India in the Ministry of Labour No. LMW-5(8)/48-II, dated the 8th/9th January 1948.

P. N. SHARMA, Under Secy

*New Delhi, the 13/14th March 1950*

**No. SS.121(33)A.**—In pursuance of sections 3 and 4 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the Ministry of Labour No. SS.21(2)(2), dated the 6th September 1948, namely:—

In the said notification for item (3), the following item shall be substituted, namely:—

“(3) Shri V. K. R. Menon, I.C.S., Secretary to the Government of India, Ministry of Labour”

**No. SS.121(33)B.**—In pursuance of section 8 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the Ministry of Labour No. SS.21(8), dated the 9th October 1948, namely:—

In the said notification, for item (1) the following item shall be substituted, namely:—

“(1) Shri V. K. R. Menon, I.C.S., Secretary to the Government of India, Ministry of Labour.”

N. M. PATNAIK, Dy. Secy

*New Delhi, the 6/7th March 1950*

**No. L.R. 2(268)-I.**—In pursuance of section 17 of the Industrial Disputes Act (XIV of 1947), the Central Government is pleased to publish the following award of the All India Industrial Tribunal (Bank Disputes), in the matter of alleged victimisation, wrongful dismissal, etc., in respect of the Imperial Bank of India (Bengal Circle) —

BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL  
(BANK DISPUTES), BOMBAY

ADJUDICATION

BETWEEN

Imperial Bank of India (Bengal Circle)

AND

Its workmen

In the matter of alleged victimisation, wrongful dismissal,  
etc.

APPEARANCES:

Mr. Niren De with Mr. Jyoty Ghose for the Imperial Bank of India Indian Staff Association (Bengal Circle).

Dr. S. K. Gupta instructed by Messrs. Sandersons and Morgans, Solicitors for the Imperial Bank of India.

AWARD •

The cases dealt with in this Award were heard at Calcutta between the 6th December 1949 and the 9th January 1950.

The Imperial Bank of India Indian Staff Association (Bengal Circle) sent a list of alleged cases of victimisation along with a letter which they addressed to the Managing Director of the Imperial Bank of India on the 24th September 1949, and these cases (along with the number assigned to each case) are taken from that list.

*Nandkishore Mishra (No. 20)*—The alleged victimisation in this case is stated to have consisted in his demotion. His case is that he was appointed a clerk on 20-10-1924 at the Chandausi Pay Office, that later on he became the clerk-in-charge of the said Pay Office and continued in that position for 11 years, and that on 1-8-1948 he was informed by the Agent of the Bank that he had to revert as an ordinary clerk in view of the past unsatisfactory inspection reports regarding him. He wanted a copy of the said reports by his letter of the 14th September 1948 but they were not supplied to him. With reference to that letter it was stated by the District Manager, Kanpur, to the Agent, Imperial Bank of India, Barcilly, that he had been advised by the Allahabad Agent that Mishra's shortcomings had been duly pointed out to him from time to time and that he had nothing to add to what had been communicated to him by the Allahabad Agent. On behalf of the Bank it has been stated that this is not a case of demotion, that Mishra's substantive appointment was that of a clerk and that when he was acting as clerk-in-charge he was drawing only an acting allowance for the period for which he so acted. It appears, however, from a copy of the letter of the District Manager, Kanpur, dated the 29th June 1945 addressed to the Agent, Allahabad Branch, that the latter was accorded sanction to confirm him in his appointment as Clerk-in-charge of Pratabgarh Treasury Pay Office with effect from 17-6-45. Therefore the Bank's contention that his substantive post was that of a mere clerk cannot be accepted. Dr. Gupta appearing on behalf of the Bank admitted that when he was allowed to continue in that office it amounted to confirmation. We hold, accordingly, that he was confirmed as clerk-in-charge with effect from the 17th June 1945, and that, therefore, his reversion to the post of an ordinary clerk has caused to him a loss of Rs. 90-13-0 per month consisting of the Treasury Pay Office allowance, dearness allowance, house allowance, etc. In a letter dated the 10th September 1949 the Deputy Secretary and Treasurer stated that his shortcomings in regard to his lack of business ability were pointed out to him in writing on three occasions during 1947 and 1949, and we have been furnished with some extracts containing remarks about him; but unfortunately when he wanted copies of the inspection reports none was furnished to him. In the dispute between the Bank and the employees Mr. R. Gupta in his award (made in 1947) said that any adverse remarks against an employee should be mentioned in his service book after giving an opportunity to the employee to explain the charges. We understand that in pursuance of this direction the Bank issued circulars to all officers to act in accordance with the said direction; but in this case we find that it was not followed. We now proceed to consider the extracts filed, no service book having been produced before us. On 28th September 1947 it was remarked that as clerk-in-charge of the Treasury Pay Office it ought to be Mishra's constant endeavour to secure to the Bank all acceptable cash credit advance business at his station. On 26th May 1948 it was stated that he had not made any progress towards the resumption and augmentation of acceptable business in respect of foodgrains and other grains inspite of the de-control and withdrawal of restrictions on grains and seeds, and he was asked to exert himself in that direction and put up proposals for the revival of old business relations and the establishment of new ones. On 1st June 1948 it was stated that it was incredible that no foodgrains were imported to Pratabgarh and that, therefore, it appeared that he was not sufficiently intimate with the local bazar or the neighbouring *mandi* and did not carry the requisite influence to attract business to the Bank, and he was asked to give serious consideration to the matter. He must obviously have been informed of these matters; but the question that arises is, whether he was asked to explain why the Bank should not regard its inability to revive or attract business as directly attributable to his inefficiency and deal with him on that basis, e.g., by demoting him. It does not appear improbable that he would have given a reasonable answer based on circumstances other than his inefficiency. From the extract of the inspection and audit report of the 6th April 1946 filed before us we find the following opinion of the Inspector as to his ability: "Average. Careful and hardworking but must concentrate more on bazar contacts". The Agent was required to point out to him that he ought to maintain a close contact

with the bazar with a view to securing as much acceptable business as possible, and the Local Head Office wanted the Agent to submit to him in six months' time a special report on his work with particular reference to his relations with the local business community in order to be able to consider the desirability of his retention at the Treasury Pay Office. The Agent remarked that his shortcomings had been pointed out to him. There was a further report on the 24th May 1948 when the Inspector remarked that his work was just satisfactory but did not impress him as possessing either initiative or business ability, whereupon the District Manager remarked that he did not consider that Mishra was fit to be retained in his post and that his recommendations in that regard would be submitted to the Head Office shortly. The Head Office approved of his recommendation that he be removed from the charge of the Treasury Pay Office and reverted as an ordinary clerk; he was accordingly so reverted. From all these materials it appears to us that no explanation was called for from him as to why he should not be demoted from his post, in which he had been confirmed, by reason of his shortcomings and want of business ability. The principles of natural justice required that before he could be so punished he should have been given an opportunity to defend himself. Those principles have been embodied in Rule 48 of the Book of Instructions of the Bank under which a full report must be sent to the Local Head Office accompanied, if possible, by the employee's explanations of the offence with which he is charged. In these circumstances we direct that this employee shall be reinstated in his substantive post as a Clerk-in-charge and be paid the amount which he lost by reason of his demotion and that this direction shall be complied with within a month from the date of this Award becoming operative.

*Sawal Das Agrawal (No. 26):*

It is alleged that this is a case of victimisation by transfer from Azamgarh to Banaras because he was a founder and active worker of the local Staff Association. The Bank in reply has stated that it has the undisputed right to transfer any employee whenever or wherever it thinks fit and that this, therefore, is not a case of victimisation. In our opinion this is not a sufficient answer to his case. No reason had been given why his transfer was made. It appears from the documents disclosed at the hearing that he belongs to Azamgarh where he has his house and lives with his family, that on the 23rd March 1949 he was suddenly served with an order asking him to report for duty at Banaras, that certain complaints had been received against him purporting to have been made by the General Merchants' Association, Azamgarh, and that later the Secretary of the General Merchants' Association denied that any such complaint had been made by them, when it was discovered that the complaint was unsigned, and that the Bank nevertheless believed that one of the matters complained of, namely, that this employee's relatives had shops in Azamgarh, was true. Even if that was true, the fact remains that he was never asked to show cause why he should not be transferred on this ground; and it is by no means clear to us that the fact of his relatives having shops there was an adequate reason for the transfer. It appears to us more probable that he was transferred for his Trade Union activities. We, therefore, direct that he shall be transferred back to Azamgarh within a week of this Award becoming operative.

*Daya Ram Mishra (No. 27):*

This is a case of alleged stoppage of an increment and demotion. He was working in the cash department at Banaras from 1928 or 1924. He was 45 years of age and the Bank wanted him to retire. On 26th April 1949 he submitted a representation stating that he was very fit and that he had a large number of dependants to maintain. On 10th June 1949 he was reverted with effect from 1st June 1949 as a Poddar on his then salary of Rs. 82 per mensem on the ground that he did not know English and that further increments should be given to him subject to approved service on the scale laid down for a Poddar. He contends that this amounted to demotion which deprived him of his graded salary for no reason except that he was not willing to retire as asked by the Bank. It appears from a letter dated 25th May 1949 by the Officiating Manager at Kanpur to the Secretary and

Treasurer, Imperial Bank, as also from a letter of the Deputy Secretary and Treasurer to the Manager at Kanpur dated 2nd June 1949 that he was a Teller and was in that grade of a Teller in 1947 when Mr. Gupta made his Award. In that Award the Receiving and Paying Tellers were placed in Grade II Clerical, and, therefore, his reversion to the post of a Poddar (whose increments and maximum pay are lower than those of Grade II Clerical) was undoubtedly a case of demotion. The ground of his ignorance of English which seems to have been first discovered on 25th May 1949, as a disability in respect of the work which he had been doing for some years, does not seem to be a sufficient justification for the demotion, particularly as he was given no opportunity for explanation. We, therefore, direct that he shall be reinstated in his former position as a Teller and shall get the pay and allowances due to him as such, besides the amount which he has lost by the demotion, within one month from the date with effect from which this Award becomes operative.

*Mahendra Jha (No. 32):*

On Dr. Gupta's stating that this employee is now a clerk on the same terms as before, the case is not pressed by Mr. De on behalf of the Association. No direction, therefore, is called for.

*Sheo Prasad Gupta (No. 3):*

He was a clerk in the Azamgarh Treasury Pay Office, having been appointed in May 1932. On 11th December 1948 he was arrested by the police under Section 3(1) (a) of the Maintenance of Public Order Act, 1947, on the ground of his being an active member of the Rashtriya Swayamsewak Sangh (to be referred to hereafter as R.S.S.). By a letter dated 19th February 1949 the Bank suspended him with immediate effect. On 14th April 1949 he was informed by the clerk-in-charge, Azamgarh Treasury Pay Office that on the recommendation of the Secretary and Treasurer the Local Board had dismissed him with effect from 11th December 1948 in view of the fact that he had been found guilty of taking part in illegal political activities, and he was asked to refund the salary that had been paid to him from 11th December 1948 to 12th January 1949 amounting to Rs. 127-15-3. He was kept in custody up to 27th April 1949 when he was released unconditionally. He was never put up for trial. After his release he made representations to the Bank for a review of the order made against him and for reinstatement and the Staff Association also made similar representations on his behalf. On 17th June 1949 the Deputy Secretary and Treasurer of the Imperial Bank in his letter to the General Secretary of the Association reiterated that he had been dismissed from the Bank's service owing to his having taken part in illegal political activities in connection with the R.S.S. movement, that his arrest, detention and inability to attend to his normal duties and his failure to make any representation to the authorities against the detention also justified his dismissal, and that there was no question of the payment of his salary after the date of his arrest or of the bonus for the half-year ending on the 31st December 1948. The Association has referred to another clerk named Koley who was arrested in February 1948 on account of his connection with the R.S.S. movement and released in July 1948 but who thereafter was reinstated. Dr. Gupta on behalf of the Bank referred to Article 50 of Diamond's "Master and Servant", where it is laid down that "it is the duty of the servant not to incapacitate himself from due and faithful service of the master," and contended that this employee must have known that the consequence of his association with the R.S.S. movement would be his detention and that he would thereby incapacitate himself from performing his duties, particularly as Government circulars had been sent to the Bank through the Reserve Bank in respect of employees concerned in political activities. The circulars have not been produced before us and we do not know what matters in particular they related to. With reference to the case of Koley Dr. Gupta stated that he had been reinstated at a time when the Bank had not formulated its policy regarding such of its employees as were concerned in political activities. As to the legal principle relied on by Dr. Gupta, it has to be borne in mind that the employee in question was not put

upon his trial nor found guilty by any Court, nor was he called upon to give any explanation and that the ban on the R.S.S. movement has now been removed. It has not been established that Sheo Prasad was actually concerned with any such activities in connection with the R.S.S. as brought him under the ban or even that he was a member of the said organization. If his explanation had been taken he might have been able to elucidate those questions. He has stated, and it has not been denied, that he has served the Bank with loyalty and integrity. We are of opinion, that after the removal of the ban the Bank ought to have considered his representation afresh and that the ends of justice would be sufficiently met if he be reinstated with effect from the 1st October 1949 and be allowed to retain the sum of Rs. 127-15-3 paid to him and if he be also paid the half-yearly bonus for the second half of 1948. We direct accordingly, and further direct that the reinstatement and the payment to him of the amount due up to the date of this Award becoming operative shall be made within one month from the said date. We also direct that the period of his absence from office shall not be regarded as a break in his service.

*Behari Lal Sah (No. 4):*

*Hayat Singh (No. 5):*

*Har Dutt (No. 6):*

Behari Lal Sah (No. 4) is a clerk and joined the service of the Bank on 10th May 1923; he is now 48 years old and has completed 26 years' service. Hayat Singh (No. 5) is a head messenger. He joined the Bank's service on 10th May 1923 and he is 48½ years old. Har Dutt (No. 6) is also a messenger; he joined the Bank's service on 10th May 1923 and is 53 years old. All these persons were attached to the Nainital branch. J. P. Mohita, the branch Agent, by his letter of the 8th April 1949 asked these three persons to submit their applications for retirement as required by the District Manager, Kanpur. Dr. Gupta states that on the 12th August 1949 the Secretary and Treasurer of the Bank informed the General Secretary of the Imperial Bank of India Indian Staff Association that these three employees had been permitted to continue in the Bank's service unless they themselves wished to retire. In the circumstances no directions from us in these cases are called for.

*Chhagan Lal Mundra (No. 14):*

This is a case of alleged wrongful dismissal. He was a poddar attached to the Jamshedpur branch of the Bank. On 23rd July 1946 he was one of the two poddars who were in the shroffing room and was given three bundles each of 10-rupee notes of the value of Rs. 10,000 for testing. The other poddar Chandrika Prasad Singh was similarly given three other bundles each of 10-rupee notes of the value of Rs. 10,000. His case is that having been asked by the Head Cashier to collect the dues of the Bank against the Bogra City Bank he left the room when the other poddar Chandrika Prasad Singh was sitting there and that on his return there after 20 minutes the shortage of one bundle of notes of the value of Rs. 10,000 was discovered. His services were terminated by giving him a month's salary in lieu of notice on 1st August 1947, more than a year after the date of the occurrence. The Bank's case is that he was dismissed on account of his gross negligence in leaving the money unattended to while going on an errand outside the Bank. The matter was immediately reported to the police who examined several persons and submitted their report on 7th August 1946 suspecting him and the other poddars and some others. The shroffing room is an enclosure where the money-testers sit and count the money and the door leading to which is just in front of the Head Cashier's seat. The Agent reports that it is not possible for any outsider to enter the room without attracting the Head Cashier's notice. He submitted his explanation and after the termination of his service he made representations to the Bank in all of which he mentioned the names of the persons that were present inside and outside the enclosure and the statements made by the other poddar and others that the notes were there in the shroffing room after he had left. The Head Cashier did not suspect him and the Agent reported that the Head Cashier was inclined to believe that the theft was the organised work of some

of their own men in the cash department who, taking advantage of Chhagan Lal's carelessness, had removed the bundle of notes. It is also stated in the report that he does not pull on very well with others in the department. The Head Cashier who executed a deed in favour of the Bank holding himself responsible for the loss to the Bank as also for the conduct of the poddars has paid in the sum of Rs. 10,000 to the Bank and in his turn taken promissory notes from his poddars each bearing a proportionate burden of the loss (*viz.*, Rs. 2,000). The Head Cashier has stated that it has not been possible satisfactorily to fix the guilt on any person. He has not withdrawn the guarantee for Chhagan Lal nor made any recommendation for the termination of his services. Dr. Gupta on behalf of the Bank admits that as regards the poddars the opinion of the Head Cashier is the determining factor in allowing them to continue in service. As the facts of the case do not point to Chhagan Lal's guilt, in his memorandum addressed to the Local Board the Secretary and Treasurer stated on 23rd July 1947, "Babu Chhagan Lal Mundra, whether guilty or not, was grossly negligent and was primarily responsible for the loss" and that accordingly his recommendation for the termination of this employee's services was accepted by the said Board. It must be remembered that when Chhagan Lal left the notes in the shroffing room Chandrika Prasad was admittedly there; and it has been brought to our notice that the practice prevailing in the office is that if any-one of the poddars remain in the shroffing room or enclosure when another poddar has to go out, the notes left there are taken care of by the poddar who remains inside. It appears from the letters of the Deputy Secretary and Treasurer (dated 16th October 1946 and 8th November 1946) to the Agent as also from the officiating Secretary's memorandum (dated 25th September 1946) to the Local Board that the procedure followed at this branch in regard to the examination of remittances was considered as far from satisfactory and that the Head Cashier and the other departmental staff were regarded as not fully alive to their responsibilities; for these reasons directions were given as to how the examination of remittances should be conducted. In the Deputy Secretary's letter to the Agent dated 16th October 1946 the view was taken that the loss was mainly caused by the Head Cashier's lack of appreciation of his responsibility and the defective procedure adopted by him for the examination of the remittance. It appears to us clear that the Bank would not have taken a serious view of the matter if Chhagan Lal had drawn the attention of the Head Cashier or the other money-tester Chandrika Prasad when he had left the room. Having regard to the prevailing practice it seems that when he left the room he felt that the presence of Chandrika Prasad was a sufficient safeguard against possible theft. In our opinion the order made by the management in this case was an unjust order, particularly in view of the fact that it was made a year after the incident and after the Head Cashier had taken from him a promissory note for Rs. 2,000. We, therefore, direct his reinstatement within one month of this Award becoming operative, and the payment to him, within the same period, of the pay and allowances he would have been entitled to, if his services had not been terminated, during the six months next preceding his reinstatement.

*Nabin Chandra Tewary (No. 12):*

He was a Record Keeper of the Gaya branch, having been appointed in 1940. He was confirmed in 1942, suspended on 29th October 1948 and discharged from service on 1st January 1949 after payment of one month's salary in lieu of notice. The Bank's case is that he was involved in the removal from the ledgers of 1942-43 and 1943-44 of the folios relating to one constituent Rohtas Industries Ltd., No. 2, copies of which the Bank had been called upon to furnish by the Income-tax Investigation Commission. On receipt of the notice the Agent called upon Tewary to put up the necessary ledgers, when he reported that the said folios were missing. The matter was reported to the police and the latter made a report to the effect that there was no direct evidence to put Tewary on trial for the removal of the records, but they suggested departmental action against him. This report was made at the close of August 1949 and reached the hands of the Bank at a later date, but before that he had already been discharged.

Prior to the discharge the Gaya Agent of the Bank held an enquiry and questioned Brij Behari Singh, cashier of the Gaya branch, Ramchand, cashier-in-charge at Dalmianagar and Tewary. From their statements it appeared that they were approached by one person on behalf of this constituent and requested to supply him with certain statements of this account, for which service he offered some money. None of these employees admitted having removed the folios. Tewary submitted an explanation on 25th October 1948 as follows: "A man of.....concern came to me last Saturday or Sunday and requested me to give a statement of Accounts, the head of which was not properly known to him. I told him unless you can give me the folio or give the Head of the Account it is not possible for me to supply the statement. He promised that he will be coming again on the coming Sunday. The said man came yesterday in the office who inquired of B. Brij Behari Singh from Bihari Ram. Bihari told me to identify him. After identifying the man, I informed the Agent that he has come. The Agent told me to detain the man for some time, which was done. But after a long time, say an hour, at about 4-30 as the Agent told me to let him go and he went away." The Agent made a report to the Local Head Office on the 18th November 1948 giving the particulars of his enquiry, and he also forwarded the service records of all the three employees. On 21st December 1948 the Secretary and Treasurer submitted a memorandum to the local head office recommending the dismissal of all the three, including Tewary. It has been contended on his behalf that no reasons were assigned for his discharge and no opportunities were given to him for being heard and that whatever evidence is available would not be sufficient to get him convicted in a court of law. There is no doubt in our mind that he knew what the charges were against him; when questioned he submitted an explanation and the Bank followed Rule 48 contained in its Book of Instructions, which requires a full report to the local head office accompanied by the employee's explanation. We are satisfied that the Bank has duly considered all the material facts in this case and found that it would not be in its interests that he should continue in its service. We are, therefore, unable to hold that the termination of his services amounts to victimisation and, accordingly, we do not give any directions.

*Gopinath Roy (No. 17):*

This is a case of alleged wrongful suspension. Dr. Gupta on behalf of the Bank stated that the employee was no longer under suspension and counsel for both parties agreed that no order was necessary. Accordingly we give no directions.

*Panchkauri (No. 24):*

The complaint is that he was forced to work overtime. This was denied by Dr. Gupta on behalf of the Bank, and Mr. De did not press the complaint. We do not interfere, therefore, in this case.

*Biren Banerjee (No. 28):*

This is a case of alleged demotion. As the Bank agreed to consider his case for promotion Mr. De did not press this case. We, therefore, give no directions.

*Indra Prakash Sangal (No. 29):*

The Association by a letter dated 8th September 1947 wanted this case for promotion to be considered. The Bank agreeing to consider the case, Mr. De did not press for an order.

The following cases were similarly not pressed:

*H. L. Tandon (No. 30):*

A case of alleged delay in making promotion.

*Kalyan Singh and Ramji Singh (No. 31):*

Which are cases of alleged victimization.

*Krishna Bahadur (No. 38):*

A case of alleged non-payment of bonus.

*D. S. Bhatt (No. 41):*

A case of alleged wrongful suspension.

*Sardar Kartar Singh Bindra (No. 9):*

This is a case of alleged wrongful dismissal on 3rd January 1949. He joined the Bank on 1st November 1931 and he became the Head Cashier of the Abbotabad branch in

1946, in which capacity he continued till 3rd November 1947 when communal riots broke out. On that date he and Mr. Bahl, Agent of the Bank, were escorted by a military lorry after both of them had handed over their respective charges to a European officer Mr. Abel. The said branch was closed in November 1947 by Mr. Abel after a portion of the currency chest had been handed over to the Treasury Officer and the remaining portion locked in the strong room. In June 1948 Mr. Abel came to the branch accompanied by two poddars from the Lahore branch and despatched the currency chest balance including Rs. 58,90,000 in whole rupees (including Rs. 45,000 in quaternary rupees) and currency notes. The quaternary rupees and the small coin balance of Rs. 52, 875 were handed over to the Lahore Mint and the remaining notes and coins to the Lahore branch of the Reserve Bank of India. The Bank's case against Bindra is as follows. On examination of the remittances in respect of the quaternary rupees and small coins a total net deficiency of Rs. 5,860-0-9 was found, including Rs. 5,692 in counterfeit quaternary rupees, out of which Rs. 3,800 were in two bags containing Rs. 4,000. There was also a deficiency of Rs. 1,038 in the remittance of currency notes. The boxes containing the remittances were received in good condition with seals intact. All this showed that there could not be any tampering with the remittance in transit, and, therefore, the coins, and notes must have been in the currency chest before the Branch was closed and as such the responsibility for them lay on Bindra as Head Cashier. He was asked to reimburse the Bank under the terms of his agreement as Head Cashier but he refused to do so. His services were accordingly terminated after giving him one month's salary in lieu of notice.

Bindra's case is as follows: Till the time he made over charge to Mr. Abel, all the bags in question were weighed and checked by him as well as Mr. Bahl, the Agent, twice a year; all transactions were carried on strictly in accordance with the instructions contained in the Bank's Book of Instructions and Resource Manual and in such operations no deficiency was discovered. All denominations of notes used to be counted by the cashiers, himself and the Agent before placing them in the currency chest, and, therefore, when he was informed that there were many mutilated notes and that the shortage included a hundred-rupee note he suspected that the new inexperienced staff that had been recruited by the Reserve Bank were responsible for the state of things complained of. When he had taken over charge of the currency chest in October 1946 he had weighed all the bags and made the cashiers put fresh poddar slips on the bags with their full signature; but out of the 27 slips which were sent to him for inspection and comment with the Bank's letter of the 18th October 1948, he could identify only six slips and that the initials on the rest did not appear to be familiar to him; those slips mostly bore only one date, viz., 22nd February 1945, which shows that such remittance must have been from the Reserve Bank of India at Lahore, such a large amount could not be received by the small branch at Abbotabad on one particular day. One of the slips showed Rs. 1,826 as counterfeit out of Rs. 2,000, which was impossible. The grand total of the 27 slips comes to Rs. 2,953 whereas the memorandum dated the 17th September 1948 by which an explanation was asked for from him showed Rs. 5,859-14-6. Since he left Abbotabad, the work of handing over a part of the currency chest to Treasury Officer, packing off the remainder, sending it to Lahore, and examination there was all done without his knowledge and in his absence, he could not, therefore, be held liable on any account.

In the correspondence disclosed we find a letter dated 21st September 1948 from Mr. Bahl, then Agent of Simla branch, addressed to the Manager Lahore district. It states: "With reference to the endorsement on copy of your D. M. Special letter No. 16-609 dated 17th September 1948, with enclosures, addressed to Mr. M. L. Puri, I beg to advise that my verification of the above currency chest at the time of my taking over Abbotabad branch on 17th August 1947 was carried out strictly in accordance with the instructions contained in para. 8 Chapter VIII of the Bank's Book of Instructions and Article 20 of the Resource Manual and no deficiencies came to light. All subsequent transactions in the above chest during my taking of office were



similarly confined to the above instructions. All one hundred rupee notes were at the time of taking over and on subsequent occasions were personally counted by me, and the shortage of one hundred rupee note as revealed by the recent examination of the remittance is most intriguing. Under the above circumstances, I regret I am at a loss to explain the deficiencies which have come to light."

Paragraph 8 of Chapter VIII Cash Department Booklet No. 1, provides as follows:—

"Before taking notes and coin into 'joint custody' balance the supervising official will check their correctness in the following manner:—

- (i) He will personally count all notes of denominations above Rs. 10 and will verify on the 'clip system' as large a proportion as practicable of all other notes.....
- (ii) He will have all bags of rupees and half-rupees weighed in his presence and a number of bags emptied to show that the contents are genuine coin. Out of one or two bags he will take and count a few rupees and have the remainder counted in front of him as a similar check to 'clip system' for notes; this he will also occasionally have done in the case of small and uncurrent coin."

The statement of Mr. Bahl substantially corroborates what has been stated by Bindra in his explanation and his representations to the Bank. It appears from the letter of the 17th September 1948 addressed by the Manager to Bindra that the bags containing the coin remittance having been individually weighed it was discovered that some of them were below the normal weight of Rs. 2000 tolas. Mr. Bahl has said that during his time, i.e., from 17th August 1947 till 3rd November 1947, he used to follow the instructions contained in the booklet referred to above and that he verified the currency chest (by weighing of the bags containing coins) at the time of taking over charge on 17th August 1947. If his statement is correct, and we have no reason to think otherwise, particularly as no comment has been made by the Bank on this statement nor any explanation was directly called for from him nor any step taken against him, no shortage in weight, in all probability, could have existed so long as Mr. Bahl and Bindra were at Abbotabad. In his memorandum to the Local Board the Secretary and Treasurer, after stating facts relating to the deficiency, concluded as follows: "As, in addition to the above irregularities, high denomination notes of Rs. 1,000 each, which should, under no circumstances have been accepted, were found in the Branch currency chest remittance, as already reported to you (*vide* our Memorandum dated the 5th November 1948, re-submitted herewith), it is obvious that there has been gross lack of supervision, if not actual dishonesty, in the Branch Cash Department, for which we must hold the Branch Head Cashier, Mr. Kartar Singh Bindra, responsible in terms of his Agreement with the Bank. We accordingly recommend that Mr. Bindra should be called upon to make good to the Bank the deficiencies in question and that, if he fails to do so, we should terminate his services by paying him

one month's salary in lieu of notice, no reasons being assigned". Accordingly Bindra's services were terminated after giving him one month's salary in lieu of notice but without assigning any reasons. Bindra next appealed to the Bank for re-consideration of his case protesting his innocence and mentioning his loyal services for 17 years and his plight as an evacuee, and he offered to pay a fine in order "to retain his job, his only support" and said that he would try his best to recover the amount from the cashiers as well as from their security deposits with the Bank, but the Bank refused to reconsider his case. In the papers disclosed by the Bank before us we do not find that he was asked to give any explanation regarding the high denomination notes of Rs. 1,000, nor does any complaint based on this fact find any place in the statement filed by the Bank before us. We do not know to what extent the statement by the Secretary and Treasurer regarding the high denomination notes influenced the decision of the Local Board in terminating this employee's services. There is, besides, no indication that the explanation offered by Bindra or the letter of Mr. Bahl referred to, above, which undoubtedly merited careful consideration, was placed before the Local Board. Lastly, we are unable to understand why the Secretary and Treasurer should have recommended to the Local Board that no reason should be assigned for the termination of Bindra's services. Bindra has complained that the cashiers who worked under him, and who would also be responsible under the terms of their respective agreements, were all allowed to resign by the Bank without any reference to him, so that it became impossible for him to recover from them their respective contributions in respect of losses or deficiencies. Taking into consideration all the circumstances of this case we are of opinion that the order terminating the services of Bindra cannot be allowed to stand. We, accordingly, direct his reinstatement and pay to him of his pay and allowances with effect from the 3rd January 1949 within a month of the publication of this Award.

*Ramji Das Gupta (No. 13):*

He was a despatch clerk at Alwar and his services were terminated on the 4th of January 1949. The complaint in this case is that he was not furnished with any charge or any complaint such as was to have been taken into consideration by the Bank, that, therefore, termination of his services is wrongful. The Bank's case is that he used to misappropriate small sums of money out of the money advanced to him as despatch clerk by making fictitious entries in the Postage Register, that the matter was detected by the Agent and that the explanation offered being very unsatisfactory his services were terminated after payment of one month's salary in lieu of notice. The Bank addressed a memorandum dated the 11th August 1948 to him asking for an explanation, and there it was stated that certain covers were to be posted on the 10th August and entered in the Ordinary Postage Book on that date, but that on the matter being investigated the following discrepancies\* as noted against the entries noted below were found:

Letter No.	Addressee	Place	Postage	Agent's remarks
D-1249/50 . . . . .	I. B. I.	Ahmedabad	0-1-6	No such cover
S. C. P. A. . . . .	"	Indore	0-1-6	Do.
D. D. P. A. . . . .	"	Mawana	0-1-6	Do.
D. P. . . . .	D. M.	Kanpur	0-2-6	{ Entered twice. Had these letters been posted separately stamps of 0-1-6 on each would have been sufficient.
S. L. 29/90 . . . . .	"	Kanpur	0-2-6	

He submitted an explanation with regard to the instances mentioned above. His explanation was that he had prepared the covers of ordinary *dak* and entered them in the Register with the envelopes as usual, that out of many other articles for despatch under registered covers he had found three of them to be sent to Ahmedabad, Indore and Mawana whose covers had already been prepared as for the ordinary *dak* and that "taking into consideration the economy he put the registered *dak* contents into them and des-

patched (them) but forgot to delete them from the Postage Book". With regard to the envelopes addressed to the D.M., Kanpur, his explanation was that he intended to send them separately and entered the postages, viz., 0-2-6, accordingly and that he took out the requisite stamps for affixation; that in the meantime he discovered that there was already one cover for the D.M. and finding that both of them could go together he put the letter No. S.L.29/90, in that cover and that he went home leaving the other entry

to be deleted next morning. If these instances stood by themselves the Bank might have taken a lenient view of the situation, the deficiency being only Re. 0-4-6. But it appears from the letter of the officiating Manager to the Secretary and Treasurer dated 10th November 1948 that pursuant to the Head Office's letter dated 8th October 1948 he scrutinised the entries of the Postage Book for 6 months ending 9th August 1948 and discovered certain other instances of more than one cover having been sent to the same branch on the same day bearing the same number twice in the Postage Book. Nothing has been produced before us to show that any explanation with regard to those instances was at all called for from Gupta. Those instances were obviously taken into consideration by the Bank in terminating his service, as is clear from its statement before us that "he used to misappropriate small sums of money out of the money advanced to him as despatch clerk by making fictitious entries in the Postage Register". This does not seem to us to be the correct method under Rule 48 of the Book of Instructions. In these circumstances we would have directed Gupta's reinstatement, without imposing any conditions, but we are unable to do so as his explanation in respect of the instances mentioned in the letter of the 11th August above mentioned, was in our opinion, rightly considered by the Bank as unsatisfactory. He has asked for clemency and the Association has given an undertaking that if he is again guilty of any misconduct in future the Association will not take up his case. That being the position we think that the ends of justice will be met if he is reinstated with payment of salary and allowances for only two months next preceding his reinstatement within a month of the publication of this Award; and we direct accordingly. In our opinion the loss of pay and allowances for the intervening period can be considered as sufficient punishment for his past misconduct.

*Thakur Ganga Prasad (No. 10):*

He was a godown keeper at Gorakhpur and was dismissed on 14th January 1949. The complaint is that the order for dismissal was made in contravention of Rule 48 as contained in the Bank's Book of Instructions. The Bank's case is that his services were terminated because his work was found unsatisfactory in that he used to borrow money from the Bank's constituents, and that he stole a signed blank cheque belonging to a constituent firm and got it cashed for Rs. 3,500. In February 1948 Mr. J. C. De was the Agent at the Gorakhpur branch. He left that branch in March 1948 and was succeeded by Mr. Mookerjee. While Mr. J. C. De was the Agent there was a complaint by one Cholairam of the firm of Messrs. Bindaram Cholairam that Thakur Ganga Prasad had misappropriated Rs. 3,500 from his firm's account with the Anandnagar Pay Office by taking away a signed blank cheque and getting the same cashed through a local man of Anandnagar on 14th February 1948. Mr. De thereupon investigated the matter and on his suspicions being aroused he warned him of the serious consequences that were likely to follow in the event of his guilt being proved. Ganga Prasad thereupon deposited a sum of Rs. 8,500 with Mr. Tripathi, Clerk-in-charge at the Basti Pay Office, so that if on enquiry Mr. De was satisfied that he was guilty the money would be paid to Messrs. Bindaram Cholairam. As Mr. De was under orders of transfer he was anxious to complete the investigation and settle the matter and accordingly sent telegrams and wrote letters to Ganga Prasad at Patna. About the middle of March Ganga Prasad arrived and wanted to settle the matter with Cholairam; later he told Mr. De that the matter had been amicably settled. Accordingly the money was sent by Tripathi to Ganga Prasad who in his turn paid it to Cholairam on the 22nd in the presence of Mr. Mookerjee, the incoming Agent, and two others. Cholairam thereupon requested Mr. De to treat the matter as closed. Mr. De could not agree to that and wanted to report the matter to the authorities unless Ganga Prasad resigned, which he promised to do on the expiration of his leave. As Mr. De was under orders of transfer and went to Delhi he left instructions with Mr. Mookerjee to inform him if he tendered his resignation.

All these matters are contained in a report dated the 27th November 1948 submitted by Mr. De to the Manager, Kanpur District. The officiating manager in his turn sent a full report to the local head office along with the report

of Mr. De. Before that an explanation was called from Ganga Prasad by a letter dated the 29th July 1948. In his reply Ganga Prasad said, "I shall indeed be glad if you kindly take up the question of Rs. 8,500, as I have to get back the amount, as soon as the matters are completely investigated by you. I undertake to satisfy you or any other independent tribunal that Messrs. Bindaram Cholairam had no claim either against the Bank or against me, if at all he was defrauded by third parties, with whom we have no concern. I would request you to kindly let me know who is holding the sum of Rs. 3,500 in deposit". On the 14th August 1948 Mr. S. N. Mookerjee addressed another letter to him asking for a comprehensive report in regard to the sum of Rs. 8,500; and in reply he stated that on account of his mother's illness he had taken 20 days' leave and that during this period the question of this cheque for Rs. 3,500 had cropped up. "My mother happened to be seriously ill and she was in urgent need of being taken to Patna for medical treatment; I therefore took 20 days' leave from 20th February 1948 and proceeded to Basti where my parents and relations were staying, to take my mother to Patna, but at Basti it was decided that I should proceed to Patna and fix up a place for lodging. Accordingly I left Basti for Patna. Mr. J. C. De the then Agent went to Basti and hearing that my parents were there, he sent for my uncle and he asked him to call me from Patna, but I happened to reach Basti the same day. Instead of being allowed to proceed to Patna with my mother, Mr. J. C. De sent me to Anandnagar and then to Natanwa to find out what the position was and to inform him immediately to inspect the stock at Natanwa. Mr. J. C. De then went to Natanwa and wanted me to stay on or to deposit a sum of Rs. 3,500 provisionally. I and members of my family were greatly apprehensive about the illness of my mother because my father was also seriously ill. In that state of emergency we naturally chose to deposit a sum of Rs. 3,500 with Mr. D. M. Tripathi under the instructions of Mr. J. C. De relying on the fact that money in no case would be lost to me. I thus got free and took my mother to Patna where she was treated in the Medical College. I was again called back for the purpose of enquiry but I was not in a position to stay at Gorakhpur". There cannot be any question that in this case Rule 48 was followed. Before us Ganga Prasad gave evidence, and the Bank also examined Mr. De. It was, however, agreed by learned counsel, on both sides that they would proceed for the purposes of this enquiry alone upon the documentary evidence only and would not call further witnesses. As we find that the Bank complied with the rule and dismissed Thakur Ganga Prasad on a genuine suspicion about his complicity we do not consider it to be a case in which we should interfere. We give no directions, accordingly in this case.

*Mr. B. N. Tewari of Kanpur Branch (No. 22):*

He was appointed a clerk in 1921 and confirmed in 1924. On 9th November 1940 his pay was reduced from Rs. 71-8-0 to Rs. 50 and again restored to Rs. 71-8-0 on 7th January 1941. On 19th September 1947 he was asked to submit an application for retirement but was later on allowed to continue in service. His complaint is that on 7th November 1947 his pay was fixed at Rs. 90 with no further increments, and he was not placed in any grade, and that he has been deprived of the benefit of the Award of Mr. R. Gupta. The Bank's case is that in December 1940, the district Manager, Kanpur branch reported that his work was much below the standard expected from an employee of his seniority, and that the only work he was capable of doing was writing up the note registers in the cash department. It is further stated by the Bank that his pay was increased from Rs. 71-8-0 to Rs. 90 with effect from 1st July 1946 under Mr. Gupta's Award and that he was called upon to retire in October 1947, but that an extension of service was granted on condition that he should not receive any further increment in his salary.

It appears from the report of the Manager above-mentioned that he worked in the cash department ever since he joined the Bank where his work consisted in dealing with translations from the vernacular, preparation of returns, etc. and that on account of a certain office adjustment he was transferred to the clerical department where he proved of little use. His transfer to the cash department was strongly urged by the Kazanchiee under



whom he had worked in the cash department, which shows that he was considered useful in that department. The Manager retransferred him to the cash department but on a reduced pay of Rs. 50. The officiating Deputy Secretary and Treasurer of the Bank, feeling that there was no justification for the reduction of his salary after 19 years of service, restored his pay to Rs. 71-8-0, adding, however, that he must not expect any further increment in his substantive salary. In 1947 his salary was increased to Rs. 90 under Mr. Gupta's award; but in October 1947 he was asked to retire but was allowed to continue his service on condition that he would not receive any increment beyond Rs. 90, although under Mr. Gupta's award the maximum pay of the grade in which he was put was Rs. 126. His appeal to the Secretary and Treasurer of the Imperial Bank against this order was rejected on 7th November 1947 and he was informed that the decision had been arrived at after full consideration. It is contended by Mr. Ghose that he is entitled to the increment as a matter of course and that as his age was 48 years and 6 months he should not have been asked to retire nor could he be permitted to continue in service by depriving him of the due increments till he reached the efficiency bar at Rs. 126. Dr. Gupta on behalf of the Bank contends that the question of payment of increment is dependent upon the quality of the work done by an employee and that increments cannot be claimed as a matter of right. It is, however, obvious that even on the basis of this argument an increment can be stopped only as a punishment; if so, before such punishment is inflicted the normal procedure, of informing the employee concerned of the grounds of the action proposed against him and giving him an opportunity for explanation, ought to be followed. It seems to us an extraordinary procedure, in any case, to stop an employee's increments in advance as was done in the present case. The order made in this case cannot be allowed to stand, and we direct that Tewari shall be given the increments due under the Award of Mr. R. Gupta and that the arrears due to him until the date with effect from which the Award becomes effective shall be paid to him within a month of such date.

C. D. Saraf:

He was the clerk-in-charge of the Mianwali Treasury Pay Office from 1st January 1945 till it was closed in March 1947 due to communal disturbances. He stuck to his post all alone while the members of his family who were later all killed in the said disturbances, were living at his native place, Chinot. He made representations to the district Manager, Kanpur, narrating all his misfortunes and requesting that he might be compensated as far as possible. He applied for promotion but was unsuccessful although, it is alleged, persons who were junior to him got promotions. His claim is for promotion because of the services rendered to the Bank during the communal disturbances and because of the fact that some of his juniors got promotions. The Bank's case is that since his evacuation from Mianwali he was posted as the clerk-in-charge of the Pratabgargh Treasury Pay Office and when on the 15th March he asked for promotion he was informed that the question would be considered at the appropriate time along with similar questions relating to other employees. This is also the statement made by the Bank before us. In these circumstances we do not think that any directions from us is called for and we give none.

Rama Kant Jha (No. 21):

He was a godown keeper at Dalsingsarai under the Laheriasarai (Darbhanga) branch and was dismissed on the 16th September 1948. He had been appointed on the 4th June 1930 and had, therefore, put in more than 18 years' service. On the 11th May 1948 he applied for two days' leave on account of the anniversary of the *sradh* ceremony of his deceased father. On the 14th May the local agent found him absent from the station and also found the two godowns of which he was in charge and which contained the borrowers' goods open. The agent met him at Samastipur Station when he tried to justify his absence on grounds which were considered unsatisfactory. He had also similarly absented himself without leave, leaving the godown in his charge uncared for, while he had been posted at Janak Road Station. Accordingly his services were terminated after paying him a month's wages in lieu of

notice. On the 14th May he wrote a letter to the local Agent of the Bank saying that having made an application on the 11th May for leave, when no order granting the leave came, he went to see the Agent at Laheriasarai and returned by the next available train, that on reaching Laheriasarai he had come to know that the Agent had gone towards Samastipur and that, as the train from the direction of Samastipur came over at Laheriasarai about the same time, he returned by that train and met the Agent at Samastipur. He further stated that when he had left Dalsingsarai he had locked one of the godowns himself and that the owner of the other godown had locked the other one. On the 31st May 1948 the Agent at Darbhanga made a report to the Secretary and Treasurer of the Bank to the effect that when he had gone to Dalsingsarai, he had found both the godowns open and learnt that the godown keeper had left telling others that he had obtained leave from the Agent to be present at the anniversary of his deceased father's *sradh*, that when he had come to Samastipur he had met the godown keeper there who had told him that he had gone to obtain permission for leaving his station and that as a matter of fact the godown keeper had not gone to Darbhanga at all. In the same letter he also stated that when Jha had been posted at Janak Road he had similarly found him absent from his station and that after his transfer to Darbhanga he (the Agent) had learnt that he never used to stay overnight, or even the best part of the day, when he had been posted at Janak Road. The letter concluded, "In the circumstances stated above, I am unable with safety to entrust Babu Rama Kant Jha with the charge of godown and shall be obliged if the Head Office will kindly arrange for his replacement as soon as possible". Jha has produced a letter purporting to have been written by the Secretary of his Association to the Station Master at Laheriasarai who has made an endorsement thereon that on the 14th May 1948 the 112 down train arrived there at 10.30 (A.M.) and left that station at 10.55, crossing the 141 up which had arrived at 10.52. This letter with the said endorsement is filed because Jha's story of the two trains crossing at Laheriasarai was characterised by the Bank as false. The local board of the Bank decided this case on the 8th September 1948 when they came to the conclusion that (1) Jha had left the two godowns open, (2) that his statement that the trains from Samastipur crossed at Darbhanga, thus enabling him to meet the Agent at Samastipur, was false and (3) that this was not the first occasion when he had left his station without permission.

It is clear that no explanation as to (2) and (3) was called from Jha. Mr. De on behalf of the Association accordingly contended that it could not be said how the three circumstances had operated on the mind of the Board and that Jha should have been called upon to explain all the three charges and not only one of them).

Hiralal, who was the Agent of the Bank at Laheriasarai in May 1948, was examined as a witness. He said that he considered Jha's previous absence from Janak Road and Jha's having lied about having gone to Laheriasarai as serious and that he took these matters into consideration in making his report. He also said (1) that when a godown keeper asked for leave it was granted on a substitute being found or given, and that if one was supplied by the applicant the latter had to be responsible for the substitute's conduct, (2) that on the 14th May, Ajodhya, the borrower in the case of one of the godowns, deposited the amount due from him and obtained a delivery order, (3) that he had got a writing from the station master of Laheriasarai that the two trains in question did not cross at his station on the 14th May, and (4) that he did not question the station master at Samastipur as to the timings of the trains.

Mr. De has argued that Jha, having applied for leave on the 11th May and not having obtained any orders on his application, would very naturally want to go to Laheriasarai to find out whether he could attend his father's *sradh* ceremony and that the endorsement on the letter produced by Jha shows that the two trains did cross at Laheriasarai, so that one of the grounds which influenced the Local Board in dismissing Jha was not correct. As to Ajodhya's godown he contended that either the delivery order was shown to Jha before he left his station or that

Jha acted on confidence reposed in Ajodhya, the responsibility being his and the time at his disposal being very short. As to the other godown he contended that Jha might have left the key with the manager in whom he had full confidence. That such confidence was justified in both the cases was shown, according to Mr. De, by the fact that the Bank had not incurred any loss, so that Jha's conduct would be irregular at the worst and, therefore, the penalty imposed on him was excessive.

We are inclined to hold that there is considerable force in Mr. De's argument. The Local Board of the Bank was certainly not justified in terminating Jha's services when he had been asked to explain only one out of the three circumstances which were considered by the Board and when, according to the local Agent, the other two circumstances on which his explanation was not obtained were considered by him as serious. As the letter of the station master produced by Jha shows, he was in all probability not lying on the point of the trains having crossed at Laheriasarai on the 14th May and there is a great deal of probability in his story that not having obtained the leave he had applied for and time being short he thought of going to Laheriasarai in person to enquire what had become of his application. He probably did not tell the truth when he said he had locked one of the godowns himself and that the other godown was locked by its owner. In all probability he knew that Ajodhya, the owner of one of the godowns, had obtained or was going to obtain a delivery order and that as regards the other godown its manager could be trusted to see that no part of the borrowed goods was removed in his absence. In the case of both the godowns if any loss occurred he would be personally held responsible. It appears to us that the Local Board took an unduly serious view of Jha's conduct though it was not above reproach. In the circumstances the ends of justice will be sufficiently met, in our opinion, if he is reinstated but is not given any wages or allowance for the period between his dismissal and the date of his reinstatement, and we direct accordingly.

*Rama Kant Agnihotri (No. 25):*

He belonged to the Sitapur branch and was dismissed on the 10th December 1948. The Bank's case against him is as follows. He was arrested on the 10th December 1948 on account of his activities as a member of the Rastriya Swayamsevak Sangh, a political organization which had been declared unlawful by Government, and was sentenced to undergo three months' rigorous imprisonment and a fine of Rs. 500 or in default, a further six weeks' rigorous imprisonment. As a result of his arrest and imprisonment he was unable to carry out the terms of the contract with the Bank and was, therefore, dismissed with effect from the 10th December 1948, the date of his arrest. The actual dismissal order was made on the 18th April 1949 and it was stated therein that it was to have retrospective effect from the 10th December 1948. From the 10th December 1948 to the 20th January 1949 he was given privilege leave and the Bank now wants a refund of Rs. 163-13-2, being the excess of pay drawn by him after the 10th December 1948. The complaint of the employee is that no charge was given to him and no explanation called for and that paragraph 48 of the Book of Instructions was not followed. That paragraph reads thus: "No employee of the Bank can be dismissed without his case having been first submitted to the local Head Office for orders. A full report must be sent to the local Head Office accompanied, if possible, by the employee's explanation of the offence with which he is charged". It was pointed out that the Government's ban on the R.S.S. had now been removed and it was suggested that he should be reinstated with effect from the date when the ban was removed. It was contended on his behalf that when Government removed the ban on the R.S.S. his case ought to have been reviewed by the Bank, that as his imprisonment for belonging to an unlawful organization did not necessarily involve moral turpitude or make him unfit to discharge his duties. He should now be reinstated and that the Bank should not be allowed to recover Rs. 163-13-2 from him. We are unable to accept this contention, for it cannot be said that the Bank was not justified in terminating his services when he was convicted by a Court of law, and it was not incumbent on the management to make a distinction between a conviction involving and one not involving moral turpitude. As the

order regarding dismissal was properly made, we are not inclined to interfere, except giving the direction that the amount he had been asked to refund should not be recovered from him and leaving his case to be reviewed by the Bank authorities if they deem such review necessary or desirable.

*Prakash Chand Chopra (No. 33):*

The Bank's case against him is as follows. He took leave in March 1947 on the plea of his mother's illness and this was found to be false on enquiry. He was thereupon instructed to resume duty at once at Abbotabad and was informed that if he failed to do so he would be considered as having voluntarily vacated his appointment. Thereafter he stated that he was not prepared to go to Abbotabad and asked for transfer to some station in the Indian Dominion, which request, according to the Bank, was refused on principle as otherwise the Bank would have been inundated with similar applications from other employees which it would have been impossible to grant. Chopra had a poor record of service and his services were terminated after paying him one month's salary in lieu of notice. He had been appointed on 11th December 1941 and he was on leave from March 1947 to the 8th September 1947. In a report made by the officiating Manager of the Lahore district to the Secretary and Treasurer dated the 31st August 1947 a statement is given of the different occasions on which Chopra had applied for leave and it was stated that on the last occasion (14th July 1947) he was told to resume duty forthwith at Abbotabad failing which he would be considered as having voluntarily vacated his appointment. To this Chopra replied on the 24th July 1947 that he was still unwell and was being treated and that he would not be prepared to go to Abbotabad branch "where hundreds and thousands brethren of mine have been slaughtered like dogs and deprived of their property by means of violence. The place where the life is quite uncertain and unguaranteed, the question of going in that area does not arise. I am under no circumstances going to vacate my job and again and again request the authorities to transfer me to a place where I should be safe". It is admitted that communal disturbances broke out in the Frontier Province in March 1947 and that the Abbotabad branch had to be closed in November 1947. On the 8th September 1947 Chopra wrote to the Agent of the Imperial Bank of India at Abbotabad that due to unsafe conditions of travel and absence of communications, on the expiry of his leave on the 8th September 1947 he had reported for duty at the Bank's pay office at Nabha instead of joining at Abbotabad and he further asked for instructions suggesting that he should be posted in the East Punjab. On the 9th September the clerk in charge of the Nabha pay office wrote to him saying that his letter would be forwarded to the Ludhiana Head Office for necessary orders at his risk and responsibility as in those days the pay office was cut off from Ludhiana, no mail having been received from Ludhiana during the previous two weeks. On the 9th October 1947 Chopra wrote to the Agent, Imperial Bank at Ludhiana, again suggesting that he should be posted if possible to the Nabha pay office. A reply was sent to this letter by the Agent at Ludhiana on the 27th October 1947 that he "may report at Ambala Cantonment branch when further instructions regarding your posting will be issued to you by that branch". It will be observed that this date is after the date of his dismissal, viz., the 17th September 1947, and this suggests that communications in Punjab were in a very disturbed condition at the time. In a letter written by him to the General Secretary, Imperial Bank of India, Indian Staff Association at Calcutta he stated that he had received a letter from the Abbotabad branch that his services had been dispensed with on the 10th November 1947 though the said letter was dated the 17th September 1947. On the 27th November the General Secretary of the said Association wrote to the Secretary and Treasurer of the Bank drawing his attention to Chopra's letter of the 10th November. In reply the Deputy Secretary and Treasurer said that Chopra's case had been fully investigated and that there were good and sufficient reasons for dispensing with his services. It seems that thereafter Chopra again asked by a letter dated the 17th February that he should be reinstated. To this the District Manager of the Lahore Branch replied that he could not be reinstated. Mr. De contended that in the circumstances that were prevailing

at Abbotabad when the branch actually had to be closed in November the Bank was not justified in ordering that Chopra should go there at the almost certain risk of being killed. That in our opinion is the correct view to take in this case. Chopra more than once mentioned to the Bank about the disturbed conditions prevailing at Abbotabad and after the expiry of leave wanted to be posted in the East Punjab. The Bank acted on the ground that the granting of Chopra's application might have resulted in a large number of similar applications pouring in which it would have been impossible to grant. But that was not the only circumstances to be considered in this case. We are unable to hold on the facts of this case that the non-compliance with the Bank's order showed such insubordination or disregard of duty as to merit dismissal. It seems likely that the authority which made the order was not fully aware of the state of the communal disturbances prevailing at the time or knowing the circumstances took a callous view of Chopra's responsibility and the risk to his life in case he complied with the order. We, therefore, direct his reinstatement and allow him his pay and allowances for one year prior to the date of his reinstatement.

*Brijesh Narain Tewari (No. 40):*

He was a cashier at the Jhansi branch and was dismissed on the 11th June 1948. He had joined service in 1939. The case against him is this. A shortage of Rs. 10,000 was found in the hand balance of one Debi Prasad, a cashier at the branch and it appeared to have disappeared while Debi Prasad had gone out to the lavatory. Tewari, who had obtained leave for that day, came to the Bank and remained in the cash department with an outsider named Bajpath when Debi Prasad had gone out. After the occurrence Tewari left the Bank. He was later found to be trying to interfere with the police proceedings. He was arrested but was not prosecuted for want of evidence. In view of these facts and the adverse report made by the police against him his services were terminated after paying him one month's salary in lieu of notice. In the report made by the local Agent to the Manager, Kanpur district, it was stated that the Head Cashier alleged that during the interval that Debi Prasad was absent he did not observe anybody in the cash department and that Debi Prasad could not give any satisfactory explanation as to why he had not locked his box when he had gone to the lavatory. It was further stated by the Agent that the branch Head Cashier, J. N. Khanna was unable to make good the loss immediately but Rs. 10,000 were being debited against the protested bills account and that a letter from Mr. Khanna undertaking responsibility for the acts and intrusions of Debi Prasad was on the record of the branch. Mr. Khanna who had given a security deposit of Rs. 10,000 had not, however, taken any security deposit from Debi Prasad. This letter does not suggest anything against Tewari and it is obvious that Debi Prasad was extremely careless in leaving his box open when he went to the lavatory.

On the 14th April 1948 the officiating Manager of the Kanpur district made a report to the Secretary and Treasurer of the Bank regarding this incident in which it was suggested that Tewari might have conspired with the Head Cashier to deprive Debi Prasad of Rs. 10,000, and that Tewari was a man of suspicious character and lived beyond his income and was reported to be the right hand man of the Head Cashier. The officiating Manager added, "We understand that he is one of the members of the clique in the cash department of your Bank and it appears that he is the chief person in involving Debi Prasad of Rs. 10,000." The Police expressed the opinion that Tewari was responsible for the removal of the bundle and that he should under no circumstances be allowed to work in the Bank. On the 23rd April Mr. Blair, officiating Secretary and Treasurer wrote to the district Manager, Kanpur, suggesting that the Head Cashier's services should be terminated as early as possible and that he should obtain from the police as early as possible their written confirmation of their allegation regarding Khanna and Tewari. The Superintendent of police, Jhansi made a report regarding this offence on the 26th April 1948 in which he expressed the view that Tewari, Debi Prasad and Khanna were the chief persons responsible for the theft but that definite evidence could

not be obtained against any of them. On the 2nd June 1948 the Secretary and Treasurer prepared a memorandum for the Local Board in which it was stated that the police had confirmed in writing their suspicion of Babu Towari and in view of the adverse comments on his character he could not be considered fit for retention in Bank's service. Accordingly his services were dispensed with. When the Agent at Jhansi wrote to Tewari on the 11th June to the effect that it had been decided to terminate his services forthwith Tewari wrote on the 30th June that he had not been told the reasons for the termination of services. Again on the 6th August 1948 Tewari wrote to the District Manager, Kanpur, that he wanted to know the reasons which had led the Bank to terminate his services abruptly, even without framing a charge and calling for his explanation, and that the decision of the Bank was very arbitrary, unjust and against all canons of justice. It was contended by Mr. De that if certain circumstances had led the Bank to conclude that Tewari was involved in the theft of the notes he should have been informed of those circumstances and given an opportunity to explain and that as this was not done the action taken against him was not justified. It seems to us, however, that in the course of the police enquiry and the investigation by the Bank the circumstances appearing against him could not have remained unknown to Tewari and that he had sufficient opportunity of explaining his conduct. There can be no doubt that the circumstances throw a considerable doubt on Tewari and that the Bank would be justified, even in acting on suspicion in the circumstances of this case. We, therefore, give no directions in this case.

*Ram Sewak (No. 42):*

He was a temporary peon at Jhansi having been appointed on the 17th October 1946 and dismissed on the 21st January 1949. The reasons alleged by the Bank for his dismissal were that he was impertinent and used to misbehave and shirk work and that in spite of warnings he did not improve. When the time for his confirmation came the Manager at Kanpur District office wrote to the Agent at Jhansi on the 20th February 1948 that the question of his confirmation should be deferred for a further period of three months and monthly reports regarding him should be sent and that he should be warned that he must improve his conduct if he wanted to be retained in service. On the 6th November 1948 the Agent at Jhansi reported to the Manager of the Kanpur District Office that Ram Sewak had shown steady improvement in his behaviour but that he had not got rid of his habit of shirking work. On the 4th January 1949 the officiating Manager of the Jhansi branch wrote to the Secretary and Treasurer that the attitude of Ram Sewak towards other members of the staff was often far from satisfactory, that he lacked willingness to work, that he was impertinent to the head messenger of the branch and refused to carry out the duties allotted to him. He further stated that he had issued a written warning that Ram Sewak would not be confirmed in service until he showed a substantial improvement in his work and behaviour towards the other members of the staff and that strict action resulting in his dismissal would be taken in case he failed to perform his duties to the entire satisfaction of the Bank. He also wrote that according to the Local Agent, as Ram Sewak had not shown improvement in his work and that as his work had given rise to complaints from a few customers regarding misdelivery of their letters by him, his services might be terminated. The officiating Manager reported that he was not fit for retention in the Bank's service and that his services might be terminated without assigning any reasons therefor. On the 21st January 1949 the local Agent wrote to Ram Sewak to say that it had been decided to terminate his services with effect from that day and he enclosed with his letter a payment order of Rs. 90 due to him in lieu of one month's notice. On the 18th February 1949 Ram Sewak wrote a letter to the Reconciliation Officer, Department of Labour, Lucknow, that the real reasons for his services having been terminated were: (1) that he used to be called upon to attend on the Agent while he played badminton up to 7 p.m. every day, (2) that once he had been asked by the Agent to take his shoes for repairs, when he had asked the Agent to require some

sweeper to do this work, (8) that in December when he had some guest in his house he had requested the Agent to get some one else to attend on him, which request had enraged the Agent, who had warned him that he would be discharged and (4) that as he used to leave his duties after office hours, he used at first to show the correct time of his departure in the muster roll, but that owing to threats he was made to show such time as the time when the Bank used to close. In his letter he further stated that if there was anything against him he should be given a charge sheet and asked to state his defence. In a subsequent letter dated the 17th April 1949 written to the Secretary and Treasurer of the Bank, Ram Sewak, with reference to the entries made by him in the muster roll, said, "I was putting always correct time but I was forced to alter the figure", and he again raised the question why no regular charge had been given to him in writing. On the 2nd May 1949 the officiating Manager, Kanpur district, enclosed a copy of a letter which he had received from the Jhansi Agent in a letter he addressed to the Secretary and Treasurer of the Bank, in which the Jhansi Agent had characterised the allegations of Ram Sewak, except the one as to the Agent's shoes incident, as mischievous and with regard to his allegation regarding the muster roll he had stated that on reference to the Branch attendance register he had failed to notice any incidents where the entries originally made appeared to have been subsequently altered. The Agent had further written, "I may add in this connection that I have enquired and may assure you that no member of the subordinate staff is ever called upon to perform private work for the Agent and the working hours fixed for them under the Tribunal's award are strictly observed".

Mr. De drew the attention of the Tribunal to the memorandum dated the 18th June 1947 which was sent by the Head Office to all the Branches in which the local officers were asked, in reporting against an employee, that the Book of Instructions should be followed, that full facts should be stated and that it was not sufficient to make statements of a general nature. The Bank filed the muster roll kept by the Jhansi Branch. The muster roll shows certain days on which Ram Sewak had arrived for duty as early as 6-30 or 7-30 A.M. and left work at 7 P.M. The working hours in the office are usually up to 6 or 5-30 P.M. On four Saturdays, i.e., on 21st August 1948, 8th January 1949, 14th February 1948 and 15th January 1949, Ram Sewak, according to the muster roll, worked till 4-40 or 5-20 P.M., i.e. for 7 or 8 hours when the usual time for leaving work on Saturdays was 2 P.M. It was suggested on behalf of Ram Sewak that this timing shows that he must have been working at the Agent's residence and not in the Bank. It was further contended that no particulars regarding his alleged misbehaviour or impertinence or shirking work were either supplied to the Tribunal or put to the employee for his explanation. As regards the allegation of his shirking work it was contended that it must have consisted in his not doing the Agent's private work properly. His record was no doubt satisfactory up to the entries made for September 1947 and December 1947. Thereafter Mr. Gambhir came there as the Agent and the bad entries began. Mr. Gambhir at first recommended Ram Sewak's confirmation but in February 1948 he cancelled such recommendation which had been made in his letter dated the 31st December 1947. Mr. Gambhir came to the branch in December 1947. During his time two warnings were given to Ram Sewak, on the 23rd February and the 4th March 1948, though no explanation seems to have been taken from him. On the 6th November 1948 a remark was made in one of the letters of the Bank that he had shown "steady improvement".

It seems from the entries in the muster roll referred to above that in all probability Ram Sewak was actually kept at the house of the Agent for attending to the latter's private work and that when at times he refused to do such work he fell into disfavour with the Agent. His conduct might perhaps otherwise not have been quite satisfactory but it seems to us that this was essentially not the cause of the dismissal. We, therefore, direct that he be reinstated and paid his pay and allowance for the four months next preceding the reinstatement.

*S. D. Misra (No. 43):*

This case being one of 1943 the Tribunal gives no direction.

*K. N. Sarebahi (No. 39):*

This case was not pressed and therefore no directions are called for.

*Sri Krishna (No. 11)*

His complaint is that his pay for two days was forfeited in the following circumstances. On the 5th February 1949 he was absent for two days without previous application. He was called upon to explain his conduct but his explanation for not having applied for leave has not been produced. He had due to him privilege leave for 9 days and casual leave for 8 days. Dr. Gupta on behalf of the Bank agrees that the Bank would pay his salary for the two days provided he undertakes not to absent himself in future without previous application except in circumstances mentioned in the Deputy Secretary and Treasurer's letter No. Staff/170 dated the 2nd April 1949 to the General Secretary of the Employees' Association in which he stated, "We consider that an employee should ordinarily apply for casual leave in advance in the same way as for privilege leave. However, in the event of an employee being unable due to unforeseen circumstances to make prior application, he can send explanation of his failure to do and his absence will be treated as casual leave that is due to him". In the circumstances no order of the Tribunal is called for.

*T. S. Phoola. (No. 23):*

He was a garden mali. He alleges that his services were terminated after he had been made to sign a letter of resignation and that when he did that he thought that what he was signing was an application for leave. There is no evidence in support of this allegation and the Bank's case is that he voluntarily vacated his appointment in favour of his brother on the ground of his ill-health. It was suggested by Mr. De that he might be considered for re-employment if a suitable vacancy occurred. This suggestion should be recommended for consideration of the Bank.

*Anant Prasad (No. 34):*

His complaint is that his increment has been stopped. He was appointed in September 1943 and confirmed in March 1944. An increment was due to him on 1st January 1947 under Mr. Gupta's award (he belonged to Grade II Junior scale of Rs. 70-4-126-E. B.-180-5-175). In December 1948 he was getting Rs. 78 per month. Mr. De contended that as long as he was in service he must automatically get the increment under the award except where he had to cross the efficiency bar. Dr. Gupta questioned this proposition and pointed out that the following are evidence of the Bank's *bona fides*: (1) that when previously warned Anant Prasad had made no protest suggesting that the warning was not justified and (2) that though a warning was given in 1947 he got the increment due on 1st January 1948. It was pointed out by Dr. Gupta that though previous warnings had been given there was no improvement. After the warning given in 1947 two other warnings appear to have been given and yet it seems that no improvement was found and therefore the Bank stopped his increment. The stoppage of an increment when there is no question of crossing the efficiency bar must ordinarily be regarded as a punishment and before such a stoppage is enforced natural justice would require that the employee in question should be given opportunity to explain the circumstances found or alleged against him. Although this was not done in this case Anant Prasad, who appears to have been given at least three warnings, could not have been unaware of the fact that his work was found unsatisfactory by the authorities, and the fact that after the first warning his increment was not stopped shows sufficiently the *bona fides* of the Bank. In these circumstances we give no directions.

*Kebal Ram. (No. 45):*

He was a godown watchman under the Gorakhpur branch at the Sakserai Sugar Mills, Ltd. His complaint is that he has put in 23 years service but he has not yet

been confirmed. According to the Bank this employee is entitled to all privileges of the permanent staff, such as gratuity, but as he was attached to the mills he would have to go if the mills were closed down and therefore he is not made permanent. All godown watchmen according to the Bank, are temporary. Dr. Gupta has filed a copy of a circular dated 1st August 1949 regarding emoluments for godown *darwans*. It shows that such *darwans* enjoy the same privileges as permanent non-pensionable members of the subordinate staff, e.g., as to gratuity. Mr. De now has no grievance as regards this employee and suggests that no order is necessary. We do not give any directions in this case.

*Dalim K. Chatterjee. (No. 18).*

He was a teller at the Howrah branch and was suspended on the 15th May 1949 and is still under suspension. On 14th May 1949 the Agent of the Howrah branch complained that a bundle of ten packets of 5 Rupee notes, each containing 100 notes, was missing from the receiving section in the cash department and that there was a shortage of 5,000 rupees in the balance pertaining to that section. It was alleged that the cashiers Dalim K. Chatterjee and Gopi Nath Roy were responsible for the day's receipts, that Dalim K. Chatterjee gave a bundle of Rs. 5,000 of 5 rupee notes to a cooly named Ganga Routh to be tied into a bundle, that the latter tied the notes and placed the bundle on the table and that thereafter that bundle was missing. The Sub-Divisional Magistrate, Howrah, before whom the case was put up remarked, "The arrested persons have good records to their credit. Nothing incriminating could be had against them. It is suspected that some outsider gang is responsible for this offence. Over and above, it is learnt that suspects one and two (suspect one was Dalim K. Chatterjee) have signed a deed promising to pay up the lost money by halves each. As such there is no point as to why they should commit this theft to the risk of their job". The accused in that case were accordingly discharged. The other cashier, viz., Gopi Nath Roy has been allowed to resume duty after paying or agreeing to pay Rs. 2,500 out of the amount of Rs. 5,000 which was lost. Chatterjee does not want to work under his old superior, the Head Cashier, who is related to him and he has paid Rs. 900 out of the sum of Rs. 2,500 demanded from him. Mr. De suggests that the Head Cashier being also held responsible for the loss should pay one-third of the Rs. 5,000 and that as Chatterjee has paid Rs. 900, on his paying the difference between 1-3rd of Rs. 5,000 and Rs. 900, i.e., Rs. 734-5-9 he should be reinstated. We think that, that would be the proper order to make in this case, and we direct accordingly. We further direct that on his making the payment the suspension order shall be set aside and he should be paid his salary and allowances for the six months next preceding his re-instatement.

*Shyam Kishore Shukla. (No. 15).*

He was appointed a clerk at the Sitapur Branch on the 5th July 1946. He was dismissed on 14th October 1947. The cause of his dismissal was that he had extracted two pages out of one of the Bank's registers. In a letter dated 6th September 1947 he admitted that he had removed the pages and the reason given by him was that some ink got spilt over the two blank pages and he thought it best to remove them from the register. This explanation was considered thoroughly unsatisfactory, and as the Bank considered the retention of such a man in service as undesirable he was dismissed. It seems to us on the facts that this is not a case of victimization and we are not therefore prepared to make an order for re-instatement. He has claimed an amount of Rs. 178-12-5 as the amount due to him under the Award of Mr. R. Gupta from 5th July 1946 to 14th October 1947, i.e., from the date of his appointment up to the date of his dismissal. On behalf of the Bank it is contended that he is not entitled to this amount as the Award did not apply to an employee not in the service of the Bank. We are unable to accept this contention. The Award of Mr. R. Gupta was published in the *Calcutta Gazette* on 6th September 1947 and the Award was given effect to from 1st July 1946 and as the appointment of this employee having been made on 5th July 1946 and his services having been terminated on 14th October 1947, he is clearly entitled to this sum of Rs. 178-12-5. We,

therefore, direct that this sum be paid by the Bank to him within a month from the date with effect from which the Award becomes operative.

*Ram Saran Shukla. (No. 16):*

He was a cheque-book issuing clerk in the Kanpur branch. He was appointed on 16th August 1942, suspended on the 6th June 1946 and dismissed on the 12th September 1947, i.e. more than 19 months after the date of his suspension. The ground alleged for the dismissal is that he was suspected by the Bank to be implicated in the forgery of a cheque for Rs. 5,000 which was encashed on 31st May 1946. According to the Bank the delay between the dates of the suspension and dismissal was due to the fact that the matter was under investigation by the police and as the police did not complete the investigation, the Bank not wanting the time for suspension to be further prolonged dismissed Shukla because the Bank's suspicion against him was based on strong circumstantial evidence. The complaint of the employee is that no explanation was asked for, that he was not at all suspected at the beginning, that it was only in a letter written on the 12th June 1946 by the officiating Deputy Secretary and Treasurer that it was made to appear probable that the cheque form used by the forger had been extracted from the cheque book before it had reached the constituent, and that since then he came to be suspected because the officiating manager of the Kanpur branch came to believe that his handwriting closely resembled that appearing on the forged cheque. This was stated in his letter to the Secretary and Treasurer dated the 18th June 1946. Although Rule 48 of the Bank's Book of Instructions requires that no employee should be dismissed without having been given an opportunity to explain, in this case no explanation was asked for regarding the alleged resemblance of his handwriting to the writing on the cheque. The circumstances relied on by the Bank are (1) that he was the cheque-book issuing clerk, (2) that in the opinion of the officiating Manager his handwriting closely resembled the writing on the forged cheque, (3) he was suspected by the police and arrested and (4) he did not protest to the Bank authorities against his arrest. These circumstances no doubt might raise a suspicion, but as against them are certain other circumstances, for instance, an acknowledgment receipt of the cheque book granted by the constituent, which may be said to raise the presumption that the cheque book had been received by him intact, so that the cheque might have been removed while it was in the custody of the constituent, there is also the opinion expressed by the Agent in a letter dated 3rd June 1946 and addressed to the Manager, Kanpur district that the branch clerical staff was responsible for extracting the cheque form, forging the signature of the constituent, affixing the 'pay' stamp on it, forging the passing official's signature, giving the cheque a cash scroll number, furnishing the person who obtained payment of the cheque with the requisite token and filing in the space intended for the ledger keeper's initials in the ledger folio. We do not know if all these matters were taken into consideration by the management in dealing with this case. In any case some light might have been thrown on these and other relevant matters if the employee had been afforded an opportunity to give an explanation. The omission to do so in this case appears to go to the root of the whole case, and we are unable, therefore, to let the dismissal order stand. We, accordingly, direct that Ram Saran Shukla shall be reinstated and that the arrears of salary from the date of his suspension to the date of his reinstatement shall be paid to him within a month from the date from which the Award comes into operation.

K. C. SEN,  
Chairman

J. N. MAJUMDAR,  
Member.

BOMBAY;

Dated the 20th February, 1950.



New Delhi, the 18th March 1950

**No. Fac.38(15).**—In exercise of the powers conferred by section 5 of the Indian Dock Labourers Act, 1934 (XIX of 1934), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Dock Labourers Regulations, 1948, the same having been previously published as required by section 7 of the said Act, namely:—

In the said Regulations—

1. In regulation 5, after the words "breach of Regulations" the figures "58" shall be omitted.

2. In sub-regulation (3) of regulation 29 and sub-regulation (2) of regulation 30, for the word "competent" the word "responsible" shall be substituted.

3. After regulation 45, the following regulation shall be inserted namely:—

"45-A. Access to and from undecked vessels.—When, in a vessel which is not decked, workers have to carry on the processes in a hold, the depth of which exceeds 5 feet, there shall be safe means of access to and from the hold for their use, and when a ladder is to be used in the hold, it shall be equipped at the top with hooks or other means for firmly securing it."

4. In sub-regulation (1) of regulation 50, after the words "securely covered" the following shall be inserted, namely:—

"and similar measures shall be taken, when necessary to protect all other openings in a dock which might be dangerous to the workers."

5. For regulation 58, the following shall be substituted namely:—

"58 (1) No person shall, unless duly authorised or in case of any emergency remove or interfere with any fencing, gangway, gear, ladder, hatch, covering life-saving means or appliances, lights, marks, stages or other things whatsoever required by these Regulations to be provided. If removed, such things shall be restored at the end of the period during which their removal was authorized or at the end of the emergency as the case may be by the persons last engaged in the work that necessitated such removal.

(2) The fencing required by regulation 7 shall not be removed except to the extent and for the period reasonably necessary for carrying on the work of

the dock or ship, or for repairing any fencing. If removed, it shall be restored forthwith at the end of that period by the persons engaged in the work that necessitated its removal."

#### ORDERS

New Delhi, the 6th/7th March 1950

**No. L.R. 2(268)-II.**—Whereas by an order of the Central Government in the Ministry of Labour No. L.R.2 (212) dated the 13th June 1949, the industrial dispute between banking companies and their employees was referred to the All India Industrial Tribunal (Bank Disputes) for adjudication;

And whereas the award of the said Tribunal in the matter of alleged victimisation, wrongful dismissal, etc., in respect of the Imperial Bank of India (Bengal Circle), has been published by the Central Government in a notification of the Ministry of Labour No. L.R. 2(268)-I, dated the 6th March 1950,

Now, therefore, in exercise of the powers conferred by sections 15 and 19 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to direct that the said award shall be binding for a period of one year.

S. C. AGGARWAL, Dy. Secy.

New Delhi, the 10th March 1950

**No. LR-2(270)/II.**—Whereas by an Order of the Central Government in the Ministry of Labour No. LR-2(212), dated the 13th June 1949, the industrial dispute between banking companies and their employees was referred to the All India Industrial Tribunal (Bank Disputes) for adjudication;

And whereas the award of the said Tribunal in the matter of alleged victimisation, etc., in respect of Chartered Bank of India, Australia and China has been published by the Central Government in a notification of the Ministry of Labour No. LR-2(270)/I, dated the 22nd February 1950.

Now, therefore, in exercise of the powers conferred by sections 15 and 19 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to direct that the said award shall be binding for a period of one year.

N. C. KUPPUSWAMI, Under Secy.

